

**IN THE COURT OF SUBORDINATE JUDGE, METTUR**  
**Present: Thiru. R.Saravana Babu,B.A., L.L.B.,**  
**Subordinate Judge, Mettur**  
**Tuesday, the 15<sup>th</sup> day of July 2025**  
**I.A.No:6 of 2025**  
**in**  
**O.S.No. 350 of 2019**

Senthil Kumar

... Petitioner /6<sup>th</sup> defendant

/Versus/

Eswaran

... Respondent/ Plaintiff

This petition is coming on 15.07.2025 for final hearing before me in the presence of Thiru. M.K.Arjunan, advocate appearing for Petitioner /6<sup>th</sup> defendant and Thiru. S.Sivaprakasham advocate appearing for Respondent/ Plaintiff, upon perusing material papers, documents and hearing both side arguments and having stood over for consideration of this court till this day, the court delivers the following:

**ORDER**

The Petitioner has filed this petition under order 8 rule 1(3) of CPC seeking to pass an order to receive the mentioned documents and condone the delay in producing the documents.

**2. The Brief facts of the petition is as follows:**

The petitioner is the 6<sup>th</sup> defendant in the suit and filed an application under order 8 rule 1(3) of CPC. The petitioner has stated that the plaintiff have filed the suit for the relief of declaration and preferential right over the suit property. The petitioner has stated that the petitioner was not able to produce the petition

mentioned the documents at the time of filing written statement and he prayed to condone the delay in producing the documents. The petitioner further prayed to allow this application.

### **3. The Brief facts of the counter statement;**

The petition filed by the petitioner /6<sup>th</sup> defendant has been resisted by the respondent /plaintiff. The respondent has stated that the 6<sup>th</sup> defendant/petitioner has purchased the suit property on 26.11.2020 from the 4<sup>th</sup> defendant. The documents mentioned the petition were created subsequent to the filing of the suit and it has been no way connected with the suit properties. Therefore, the respondent prayed that the petition is liable to be dismissed with cost.

### **4. The Point for determination is:**

Whether the petition filed by the petitioner Under Order 8 rule 1 (3) of CPC is allowed or not?

### **5. Point:**

1) This court has carefully considered the rival submissions made by the both counsels.

2) On scrutinizing the case of the records, it is found that the petition has been filed by the 6<sup>th</sup> defendant /petitioner Under Order 8 Rule 1(3) of CPC to condone the delay in producing the petition mentioned documents. It was resisted by the respondent/plaintiff stating that the petition mentioned documents were after the suit and it would not have any connection to the suit property. It is further found that the 6<sup>th</sup> defendant /petition has purchased the property from the 4<sup>th</sup> defendant during the pendency of the suit. Therefore, the petition mentioned documents were not filed at the time of filing written statement. Considering the nature and circumstances of this case and also in order to give an opportunity to the petitioner to adduce

evidence on his side and in interest of justice, this court has inclined to condone the delay in producing the petition mentioned documents.

In the result, petition is allowed on merits. No costs.

Dictated by me to Steno-Typist and typed by her directly in computer, and corrected and pronounced by me in the open court, this the 15<sup>th</sup> day of July 2025.

**Sd/-Saravana Babu  
Subordinate Judge,  
Mettur**

**Petitioner /6<sup>th</sup> defendant side witness and documents: Nil.**

**Respondent/ Plaintiff side witness and documents: Nil.**

**Sd/-Saravana Babu  
Subordinate Judge,  
Mettur**