

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Friday, the 19th day of June, 2026

IA.No.22/2026

in

OS.No.112/2014

James

...Petitioner

-Vs-

1. Dhanalakshmi (died)
2. Ramadas
3. Vasuki
4. Kavitha
5. Vairavasundaram
6. Periyamayaki
7. Muthuramalingam
8. Saradha
9. Anandharuban
10. Minor Abinaya

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.V.S.Krishnan learned advocate for the Petitioner, Thiru.S.Balasubramanian learned advocate for the Respondents. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order VIII Rule 1A(1) of CPC

1. The averments in the petition are as follows:

The petitioner is the 4th defendant in the main suit. The petitioner states that the documents that are important for his case were obtained by him now only. Hence he has filed this petition to condone the delay in filing those documents and to accept the same. The petitioner states that if the petition is not allowed, he would be subject to irreparable loss and injury. Hence, he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent has denied the contentions of the petition and has stated that the petitioner has not stated a valid reason as to the delay caused. He has also stated that the petitioner has not mentioned about those documents in his written statement and has filed this petition after 14 years since the institution of the suit. He has also stated that the document number one seems to be forged as contradictory names are in the same. Similarly, in the tax receipt which are produced as document number 3, are in different names as Veluchami and Veluchami son of Muthaiah Ambalam in a contradicting way. Hence the same cannot be marked. Similarly, in the 4th document, which is the UDR Patta, it has been stated as Velu Ambalam son of Muthu Sami Ambalam, which is the name of the 1st plaintiff's father. He also states that in the 2nd document which is the sale deed with respect to the suit property, the name of the plaintiff's father has been shown and it has been stated as if the 1st defendant is the only legal heir and has created forged document involving the 1st defendant and his son 2nd defendant and the document is produced with such delay to cause confusion in the suit. Hence the same cannot be marked. He also states that the petitioner is taking advantage of the similarity in name and has created forged documents and has filed this petition with much delay. He also states that in the sale deed dated 06/03/2014, neither the death certificate nor the legal heir certificate of the Velu Ambalam was attached. Hence it becomes clear that the 4th defendant has got the property through the sale deed out of forgery. Hence he states that the petition to receive those document should also be dismissed. He also states that in a similar sale deed executed by the 1st defendant with respect to his ancestral property, the 1st defendant's father's name has been stated as Veluchami Ambalam, son of Muthaiah

Ambalam in which their legal heir certificate and death certificate was also attached. This itself makes the fact clear that names stated by the petitioner was not shown in the sale deed of the year 2014, 2015. He also states that the 1, 2 defendants have not appeared before this court to contest the case, and they have colluded with the 4th defendant and have not examined themselves as witnesses. Hence, he prayed for the petition to be dismissed.

3. Now the question to be decided is whether the petition has to be allowed or not?

Petition and counter perused. Enquiry heard on both sides. The petition has been filed to receive additional documents on the side of the petitioner. The petitioner has stated the reason that he has got those documents now only. On the other hand, the respondent has denied the contentions of the petition and stated that the petitioner is taking advantage of the name similarity between the plaintiff's father and the defendant's father and has executed forged document and filing this petition with much delay and the same cannot be relied upon. Both sides averments perused. The petition has been filed to receive additional documents on the defendant's side. The contention of the respondent that the documents are forged can be decided only during the trial and the same cannot be decided at this stage while receiving the said document. It is important to give every person a reasonable opportunity to be heard to put forth his case before the court so as to enable the court to decide the case on merits without any lacuna or undue delay. Hence as per the principle of natural justice, the court finds it fit to grant this petitioner one more reasonable opportunity to put forth his case. But considering the factor of delay caused and considering the fact that the suit was filed in the year of 2014, the court finds it fit to impose the cost of Rs.500/- on the petitioner to be paid to the respondent for the delay caused in producing these documents. Hence in the end, the petition is allowed with the cost of ₹500 and the documents are received subject to the proof of their relevancy and admissibility.

4. Decision

In the end, the petition is allowed with the cost of Rs.500/-.

This Order was dictated by me, typed by the Steno-Typist, corrected by me and pronounced by me in the open Court on 19th day of June 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioner - Nil -
List of documents on the side of the Petitioner - Nil -
List of witnesses on the side of the Respondents - Nil -
List of documents on the side of the Respondents - Nil -

**District Munsif,
Devakottai.**