

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Tuesday, the 2st day of December, 2025

I.A.No.04/2025

in

O.S.No.05/2019

Kalailingam

...Petitioner

-Vs-

1. Gandhiyammal

2. Muthulakshmi

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.K.Premchandar learned advocate for the Petitioner, and whereas R1 was set Ex-parte on 16.02.2024, Thiru.K.Vairamuthu learned advocate for the R2. 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 and Section 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the second defendant in the main suit. In the main suit, the stage has come up for the evidence on the second defendant's side. He claims that certain documents were found by him now only and he seeks that those documents are very much essential to prove his case. Hence, he prays to condone

the delay in producing those documents and to accept the same. He prays 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 second respondent is the second plaintiff in the main suit. She is filing this petition also on behalf of the other plaintiffs. She denies the genuineness of the documents mentioned in the petition and states that the first document was created by forgery between the first and the second defendant, and also there is no signature of the defendant in the said document. She also states that the survey numbers mentioned in the first document were altered by the second defendant as per the needs of the suit as it becomes clear on perusal of the said document that the corrected survey numbers and the existing survey numbers differ in their letters. Hence she prays that the additional document should not be received. She also states that the document number two is completely wrong as the survey numbers in the said document were not mentioned as to how they were subdivided. She also states that only Tahsildar has the power to sub-divide a property and a project officer cannot do the same. Also the properties in the said document belong to Iraviya Mangalam village, but a copy of this document was sent to the Nettodai village. Hence the document was created for this suit. Also the document number three is not related to the suit property. Also in document four, when the plaintiff's father has given 61cents out of the property bought by him to the second plaintiff, how could he have given 50 cents to the second defendant. She also states that apart from the above said 61 cents, the suit has been filed only for the remaining 40 cents, hence it becomes clear that the said document is a forged one. Also, she denies the document number six, seven, ten as forged documents. She also stated that

no proper reason for delay has been explained. Hence the petition should be dismissed and the document should not be received.

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

3(i). Petition and counter perused. Enquiry heard on both sides. The petition has been filed to receive the additional documents on the side of the petitioner. On the other hand, the respondent denies the contentions of the petition and states that the documents are forged and are irrelevant to their case at hand. Both side averments perused. It becomes clear that the petitioner has filed this petition along with the list of documents to be produced on their side, stating that he received those documents now only. Petitioner has not stated any valid reason for the delay caused and why the said documents were not provided at the time of their written statement. It is important to give every party a reasonable opportunity to be heard so as to produce all the documents and evidence before the court to enable the court to decide the case effectively on merits without any undue delay. Hence in order to avoid any further delay and to provide a reasonable opportunity to the petitioner, in the interest of justice, this petition is allowed, with the cost of ₹500 to be paid to the account of District Legal Services Authority, Sivagangai, as the suit is of the year 2019 and no valid reason was explained by the petitioner for the delay caused in producing these documents. Hence, in the end, the petition is allowed with the cost of ₹500 and the documents shall be received subject to their proof of relevancy and admissibility in the main suit.

4. Decision

In the end, in the end, the petition is allowed with the cost of ₹500 and the documents shall be received subject to their proof of relevancy and

admissibility in the main suit.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 2nd day of December 2025.

**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.**

**District Munsif Court,
Devakottai**

IA.No.04/2025

in

OS.No.05/2019

Dated: 02.12.2025

Draft/Fair Order
