IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Tuesday, the 7th day of April, 2026

IA.No.04/2026

in

OS.No.25/2017

Anthony …Petitioner

-*Vs*-

1. A.Lourdu Alangaramary
2. A.Mariastella @ Stella
3. A.Bromio
4. A.Rajesh
5. P.Arockiyamary

…Respondents

This petition is coming before me for final disposal in the presence of Thiru.Dharmadurai learned advocate for the Petitioner, Thiru.S.Sornaprakash learned advocate for the R1 to R5. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following…

O R D E R

The petition is filed under Order VIII and Rule 1(3A) of CPC

1. The averments in the petition are as follows:

The petitioner is the 1st defendant in the main suit. The main suit has

come up for the stage of defendants side evidence. In the meanwhile, the documents that are essential for the suit are received by the petitioner now only. The petitioner states that the documents are very much important for his case. Hence he has filed this petition to condone the delay in producing these documents and to receive 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 stated that the documents sought to be produced by the petitioner are before the year of 2017, that is before the institution of the suit. If the said documents are important for the petitioner, he would have produced the same when he filed the written statement in the year of 2017. Also, the 1st and the 2nd documents are regarding partition and the same should be registered as per law. Since the same are not registered, the same cannot be received as evidence before the court. Also, the petitioner has not stated the reason as to why he did not mention about these documents in the written statement. 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?

(i). Petition and counter perused. Enquiry heard on both sides. The petition has been filed by the petitioner to receive additional documents on his side and has stated the reason that he has received those documents now only. On the other hand, the respondent has denied the contentions stating that the petitioner has not stated proper reason and also the 1st and the 2nd documents are unregistered documents. Hence the same cannot be received as evidence. Both

side averments perused. On perusal of records, it becomes clear that the suit is pending at the stage of defendants side evidence. Also on perusal of documents, it becomes clear that the 1st and the 2nd documents sought to be produced are regarding the partition that took place between the parties. On perusal of the documents, it becomes clear that they are not partition documents per se, but more like a memorandum that has been written down in view of the partition that has been executed earlier. The 2nd document is more of a statement regarding the partition that took place earlier and the executor of the said document has consented for change of Patta regarding the partition that has already taken place. Since this is not a partition deed per se, the same need not be registered. Also, the learned counsel for the petitioner has submitted the citation in **2015(1) TNCJ842**, wherein it was held that the document that was evidencing the partition that took place earlier is admissible even if it is not registered.

(ii). Similarly, in the case at hand, the partition was not effected by way of the documents 1 and 2 which are sought to be produced, but those are mere record of the partition that took place earlier. Hence, the same need not be registered. Moreover the reason stated by the petitioner for not producing the documents earlier is satisfactory. Hence the court hereby concludes that the petitioner is entitled to the relief claimed for. Hence the petition is allowed and the documents shall be received subject to the proof of their relevancy and admissibility during the time of trial, and if the respondent has any objections for the same, they can put for their objections during the time of marking of documents and the validity of such objections will be decided at the time of judgment. Since this is a petition only to receive the documents on the defendant's side, the validity of the documents need not be decided at this stage and the same shall be decided at the time of trial. Hence, in the end, the petition

is allowed and the documents are received subject to the proof of their relevancy and admissibility. No order as to cost.

4. <u>Decision</u>

In the end, the petition is allowed and the documents are received subject to the proof of their relevancy and admissibility. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 7th day of April 2026.

PREMI R Digitally signed by PREMI R Date: 2026.04.07 17:09:50 +0530

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-

PREMI R Digitally signed by PREMI R Date: 2026.04.07 17:09:55 +0530

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