

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,**

District Munsif, Devakottai

Wednesday, the 18th day of March, 2026**IA.No.14/2026****in****OS.No.48/2016**

KR.Murugesan

...Petitioner

-Vs-

1. K.Shanmugam
2. K.Palaniyappan
3. K.Muthaiah
4. Narayanan
5. Lakshmi

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.B.Asaithambi learned advocate for the Petitioner, Thiru.N.Ramji 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 and Rule 1(3-A) and 151 of CPC****1. The averments in the petition are as follows:**

The Petitioner is the 1st defendant in the main suit. The suit has been filed against the defendants and is pending at the stage of trial. The petitioner states that his side witness has been examined already and documents were marked and the stage has come up for further DWs. In the meanwhile, even before the suit

was filed with respect to Ward 3, Block 4, TS.No.28, the 3rd defendant has on 09/07/2009 executed a registered gift deed with respect to the suit C scheduled property to an extent of 2426 square feet in favor of his son Muthuselvan. The said gift deed has been produced along with this petition. The said Muthuselvan has executed a registered gift deed dated 18/08/2011 with respect to 1627 square feet of the C scheduled property, in favour of one Mr.Ravichandran son Rathinampillai. The sale deed is also produced along with this petition. The said Ravichandran has executed a registered sale deed with respect to the said 1627 square feet of the C scheduled property in favor of one Mrs.Kalaiselvi wife of Subbaiah by the registered Sale Deed dated 19/09/2013. The said sale deed is also produced along with this petition. The said Kalaiselvi has been in possession and enjoyment of the suit property by building a house. The GPRS photo of the house is also produced along with this petition. The petitioner states that he has received the above said documents now only and states that the delay in producing these documents is not wilful or intentional. Hence, he prays to condone the delay in filing the documents and to receive the said documents on the side of defendants. Hence, he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent denies the contentions of the petitioner and states that the suit has been pending at the stage of further DWs since 22.02.2024. The petitioner has not mentioned about these documents in his written statement and has filed the documents now which is not acceptable. The petitioner has filed this petition only to fill up the lacunas left out by the DW1 in his cross examination. Hence, the petitioner has filed the petitions to receive additional documents and recall the defendant side witness. Hence, the petitions should be dismissed. He also states that the petitioner has not stated any reason as to why he did not

mention about these documents in his written statement. He also states that on perusal of the encumbrance certificate produced by the defendant, the above said documents sought to be produced by the petitioner are not reflected and also since the petitioner did not mention as to how he came to know of these documents the petition should be dismissed. He also states that the petition has been filed only with an intent to drag on the proceedings of the case. Hence, he prays 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 defendant side. The petitioner has produced certain documents and has stated that he has received those documents now only and hence prays for the petition to be allowed. On the other hand, the respondent has denied the contentions of the petition and stated that the petitioner did not mention about these documents in his written statement and also did not give a proper reason as to why he did not produce it earlier. He has also stated that the said documents are not reflected in the encumbrance certificate. Hence, he prays for the petition to be dismissed. Both side averments perused. On perusal of records, it becomes clear that the suit is pending at the stage of further defendant side witnesses and the defendant has filed a petition to receive additional documents. It is true that the petitioner/defendant did not state a valid reason for not producing these documents at the time of filing his written statement but he has stated that these documents are very much important to his case. Even though the contentions of the respondent that no proper reason for the delay has been mentioned and also the said documents are not reflected in the encumbrance certificate produced by

the defendant are valid and to be taken into consideration, the validity of the documents cannot be decided at this stage and the same shall be decided only at the time of trial. It is a well established principle that every person must be given a reasonable opportunity to be heard to put forth his case before the court, as per the principle of natural justice “audi alterm partem”. Hence, it becomes important to give the defendant/petitioner a fair opportunity to put forth all these evidences before the court, the validity of which will be decided only at the time of trial and the same need not be discussed while receiving the same. Even though it is important to give the petitioner/defendant one more opportunity and the court is inclined to allow the same, considering the fact that the suit is of the year 2016 and the same has been pending for about 10 years the court finds it fit to impose a cost of Rs.1,000 on the petitioner to be paid to the respondent for not providing proper reason for the delay caused in submitting these documents. Hence, in the end, the petition is allowed with a cost of Rs.1000/- and the documents are hereby received subject to the proof of their relevancy and admissibility in the main suit.

4. Decision

In the end, the petition is allowed with a cost of Rs.1000/-.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 18th day of March 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioners-Nil-

List of documents on the side of the Petitioners-Nil-

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

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

**District Munsif,
Devakottai.**