

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Monday, the 23rd day of March, 2026

IA.No.02/2026

in

OS.No.105/2023

Saravanan

...Petitioner

-Vs-

1. Rajaram

2. Rajamanickam

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.VS.Krishnan learned advocate for the Petitioner, Thiru.C.Manikandan learned advocate for the Respondents. 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 1A and 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the defendant in the main suit. The suit has been filed seeking a prayer of permanent injunction against the respondent/plaintiff and is pending. In the meanwhile, petitioner has stated that he received certain documents that are important for his case at a later stage only and has filed this petition to receive the additional documents by condoning the delay in producing the same. He states that the delay in producing the documents was not intentional and 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 denies the contentions of the petition and states that the petitioner has stated in his written statement as if the property is an ancestral property of his grandfather and that he is in possession and enjoyment of the same following his grandfather. This being so, the petitioner has not stated anything about the documents in his written statement. Not even has stated that he would produce the documents later. In the meanwhile, when the application for interim injunction filed by the respondent has come up for the stage of enquiry and has been pending at the same stage for a very long time, he has filed this petition fearing that a temporary injunction will be granted against this petitioner in favour of the respondent. He also states that even before filing the suit, this petitioner has filed a petition before the Revenue Divisional Officer of Devakottai, wherein he has submitted all these documents along with that petition. This being so, the petitioner has filed this petition stating that he has received these documents now only. He States that the petition has been filed only with an intent to drag on the proceedings of the case, and 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 the additional documents on the petitioner/defendant side. Petitioner has stated that he has received these documents now only. On the other hand, the respondent has denied the contentions of the petition and states that the petitioner has already filed these documents in the proceedings before Revenue Divisional Officer of Devakottai and states that the petition has been

filed only with an intent to drag on the proceedings of the case and he prays for the petition to be dismissed. Both side averments perused. It becomes clear that the petition has been filed to receive the additional documents on the petitioner's side, which were not produced earlier while filing the written statement stating that the petitioner has received these documents now only. But the contention of the respondent that these documents were already produced are to be paid attention to. Even if that is so, it is important to give every person a reasonable opportunity to produce his evidence before the court, so as to enable the court to decide the case on merits without any delay. As per the principle of natural justice "Audi alteram partem", it is important to give this petitioner a reasonable opportunity. But considering the fact that no proper reason has been stated by the petitioner for the delay in producing the documents, the court finds it fit to impose a cost of ₹500 on the petitioner to be paid to the respondent. Hence, in the end, the petition is allowed with the cost of ₹500/-.

4. Decision

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

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 23rd day of March 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.**