

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,
District Munsif,Palladam.**

Monday the 13th day of October 2025

IA No.6/2025

in

OS No.128/2017

- 1.Thangavel
2. Arumugam
3. Raamu
4. Manigandan @ Mani
5. Vadivel
6. Sivakumar
7. Mallika
8. Palanisamy

...Petitioners/Defendants 1 to 3, 7 to 11

/Vs/

1. R. Palaniammal (Died)
2. Babu
3. Chithra

...Respondents/Plaintiffs

This Petition is coming on 13.10.2025 for final hearing before me in the presence of Thiru.V.Raveendran, B.Sc.,B.L., Advocate for the Petitioners and Thiru.S.Senthil Elangovan, B.A.,B.L., Advocate for the Respondents, Upon perusing the Petition, affidavit, counter statement and other connected materials on record and

hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

ORDER

1. The petitioners filed this petition in IA No.6/2025 Under Order 8 Rule 1A(3) and Under Section 151 of CPC, that to receive the petition mentioned documents by condoning delay.

2. Brief averments of the petitioners:-

The Respondent/Plaintiff have filed the above suit for Partition against the petitioners and others by suppressing very many material facts with fully false and untenable allegations. At the time of filing of the written statement the petition mentioned documents are not available with the petitioners. Therefore, the petitioners are not able to produce the documents at the time of filing of the written statement and at the earlier stage. The delay in producing the petition mentioned documents are not due to negligence and wanton. The petition mentioned documents are very essential to prove their case and it will helpful to the Court to end the litigation and better adjudication in the interest of justice. Hence, this petition.

3. Brief averments of the counter filed by the 2nd Respondents :-

The Petitioners/Defendants had ample opportunity to produce all the documents along with the written statement but the present attempt to produce fresh documents after the commencement of trial is an afterthought and no proper or valid reason has been stated for such inordinate delay. The Petitioners/Defendants seeks to introduce documents which were never pleaded

in the written statement, particularly Document No.4, alleged Power of Attorney dated 03.04.2006 purportedly executed in favour of Shanmugam by the legal heirs of Veerammal. No reference to this Power of Attorney is found anywhere in the written statement. Permitting production of such a document would amount to introducing a new case and fresh facts, which is impermissible in law. Similarly, Document No.8, the alleged Chitta dated 12.02.1998, is sought to be produced in a manipulated manner. The Petitioners/Defendants has in fact produced a recent Chitta issued on 02.04.2024 showing names of Palaniammal w/o Ponnuchamy, Palaniammal w/o Ramraj, and (3) Palanichamy S/o Natarajan, instead of the Petition alleged Chitta dated 12.02.1998. The 1st plaintiff passed away on 30.01.2022, yet her name has been illegally mutated and included in the fresh Patta dated 02.04.2024, the Petitioners/Defendants have obtained the said Patta without the knowledge or consent of the 2nd and 3rd plaintiffs, who are the only legal heirs of the deceased, and further the produced Patta dated 02.04.2024 was obtained during the pendency of this suit hence it constitutes "lis pendens". Therefore, such a document cannot be permitted to be relied and marked upon. All other alleged documents are also not properly pleaded in their written statement but the Petitioners/Defendants have come through this petition with unclean hands. Therefore, this petition is liable to be dismissed.

4. Points for consideration:

Whether this petition will be allowed or not ?

5. Heard petitioners and the respondents. No oral or documentary evidence by the both sides.

6. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.128/2017 has been filed for Partition. This petition was filed by the petitioners Under Order 8 Rule 1A(3) and Under Section 151 of CPC, that to receive the petition mentioned documents by condoning the delay.

7) On considering both side submissions and on perusing the entire case records the only contention of the petitioners is that at the time of filing of written statement the documents listed in this petition were not available with the petitioners. Hence, she could not produce the same at earliest. The said documents are very much necessary for them to prove their case.

8) On the other hand the respondents submitted that the document No.4 the power of attorney dated 03.04.2006 was not pleaded in the written statement. The petitioners are tried to produce the Document No.8 Chitta dated 12.02.1998 by manipulating manner. The petitioners sought permission to produce the Patta dated 2.4.2004 in the name of the 1st plaintiff, but, she had passed away on 30.01.2024. The petitioners has illegally mutated and included in the fresh Patta dated 02.04.2024. The other documents also not properly pleaded in their written statement. The said documents are noway helpful to come to the conclusion of the suit and it is unnecessary for the above suit.

9) On perusal of the documents listed in the petition it is found that all the documents are all originals and certified copy of the registered documents. The respondents have raised any serious objections with respect to the listed documents number 4 and 8. The said documents i.e., power of attorney dated 03.04.2006 and Chitta dated 12.02.1998. The petitioner counsel submitted that

the said Chitta the date was wrongly mentioned as 12.02.1998 instead of 22.09.2025. On perusal of the said document it is found that date mentioned is wrong. It is only a typographical error. Further, other documents are registered and public documents only. It is pertinent to note that the receiving the said documents will not amounting to proving the contention of the said documents or admitting in evidence. The relevancy and admissibility will be decided only at the time of deciding the suit. Further, receiving the said documents itself will not cause any prejudice to the respondents. The respondents are having opportunity to cross examine the petitioners side witness to disprove the said documents which sought to be received. Therefore, in order to provide one opportunity to the petitioner to conducting the case effectively and in the interest of justice this court is inclined to allow this petition on condition. However, the delay caused by the petitioner by producing the said documents, has to be compensated to the other side.

In the result, this petition will be allowed on condition to pay the cost of Rs.1000/- to the respondents/plaintiffs on or before 27.10.2025. Failing which this petition will stand dismissed automatically. For compliance Call on 28.10.2025.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 13th day of October 2025.

**District Munsif,
Palladam.**

Appendix:-

Both side Witnesses and Documents :- Nil

**District Munsif,
Palladam.**