

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

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

Thursday the 19th day of February 2026

IA No.14/2026

in

OS No.72/2014

1. Sundaram (Died)
2. Subbulakshmi
3. Balamani
4. Swathika
5. Sugavarnan

...Petitioners/Defendants 5, 23 to 26

/Vs/

1. A. Subbaraya Gounder (Died by Lrs)
2. Meenakshi
3. Anandhi
4. Jegajothimani

.....1 to 4 Respondent/plaintiff

This Petition is coming on 13.02.2026 for final hearing before me in the presence of Thiru.D.Sunderraj, B.A.,B.L., Advocate for the Petitioners and Thiru.C.P.Subramaniam, M.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

i) The petitioner filed this petition in IA No.14/2026 Under order 8 Rule 1A(3) and section 151 of CPC that to condone the delay in producing the petition mentioned documents.

1. Brief averments of the petitioners:-

The above suit was posted today for producing their side additional evidence. They here with deposing DW3 as 2nd witness and they are producing several listed documents in support of their case. There occurred delay in producing those documents. They kept these documents along with other property document as forgotten and it was mingled with it. So, they cannot able to produce it at the time of filing of above case. Thus, occurred delay in filing of documents. But they are neither willful nor wanton in making delay. Unless the Court condone the delay in filing of documents, they will be put to heavy irreparable loss and hardship. Hence, this petition.

2. Brief averments of the counter filed by the 4th respondent and adopted by the respondents 2 and 3:-

The respondents/Plaintiff has filed the above suit against the petitioners/Defendants for Partition and separate Possession. In the above suit is posted for the further defendant side Evidence. In the above suit the petitioner has already filed the written statement and proof affidavit of DW3 along with documents. The Defendants are fully aware of the case history. The delay for filing the above petition is only vague and there is no valid reason. The Patta produced with the along with above petition has been created after the date of the suit. The Document No. 1 to 4 and Pattas along with the petition are not related to the suit property they are other different properties. The documents

produced by the petitioners are no way related to the Suit properties. The petition is an abuse of the process of court, and the only intention of the petitioner is to drag on the proceedings. Hence, prayed to dismiss this petition.

3. Points for consideration:

Whether this petition will be allowed or not ?

4. Heard both sides. No oral or documentary evidence is let in by both sides.

5. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.72/2014 has been filed for Partition. This petition was filed by the petitioner Under order 8 Rule 1 A(3) and section 151 of CPC that to condone the delay for producing the petition mentioned documents by the petitioners.

6) On considering both side submissions and on perusing the entire case records the only contention of the petitioners is that the said document were mixed with other documents hence, they could not produce the same as earlier and the said documents are very much necessary for them to prove their case. On the other hand the respondent submitted that the said documents No.1 to 4 were obtained by the petitioners after filing of this suit. Further, the said documents are not connected with the suit property. Hence, the present petition is not maintainable.

7) The petitioners have not explained the delay in producing the same before this court. The petitioners has not stated any reason to produce the said documents at earliest. They simply stated that the said documents were mixed with the other property documents. It is pertinent to note that the relevancy and

admissibility can not be decided in the present petition itself and the same could be decided the petitioner side evidences and subjected the petitioners side evidences to cross examination on the side of respondents herein. Mere receiving the said documents will not cause any prejudice to the respondent and receiving the same will not amounting to admitting the said documents in evidence. Hence, in order to provide one opportunity to the petitioner and in the interest of justice this court is inclined to allow this petition. However, the delay caused by the petitioners have to be compensated to the other side.

In the result, this petition is allowed with the cost of Rs.1.000/- to be paid to the respondents/plaintiffs.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 19th day of February 2026.

**District Munsif,
Palladam.**

Appendix:-

Petitioner's side Witness and Documents:- Nil

Respondent's side Witness and Documents:- Nil

**District Munsif,
Palladam.**