

**THE COURT OF THE PRINCIPAL DISTRICT JUDGE, TIRUPPUR**

**Present:- Thiru. N. Gunasekaran, M.B.A., B.L.,  
Principal District Judge, Tiruppur**

Tuesday, the 23<sup>rd</sup> day of September, 2025

**I.A. No.03/2025**  
**in**  
**O.S. No.216/2024**  
(CNR No.TNTI18 000827 2024)

G.Lakshmi

.. Petitioner / Defendant

Vs.

M. Suandarambal

.. Respondent / Plaintiff

On 16.09.2025, this petition came up before me for the final hearing in the presence of Tr. C.P.Subramaniam, Counsel appearing for the petitioner, Thiru.N.Sathiskumar, Counsel appearing for the respondent, upon hearing both side and on perusal of case records, this Court delivers the following:-

**ORDER**

Petition is filed under Order 8 Rule 1A (3) of Civil Procedure Code to permit the petitioner to produce the petition mentioned documents.

2) **Case of the Petitioner / defendant in brief from the affidavit accompanying the petition reads as follows:-**

The petitioner herein is the defendant in the suit and the suit having filed by the respondent against her for partition and the same is posted for the evidence, if any, on the side of the petitioner. Since the petition

mentioned documents mingled with the other documents, the petitioner could not file them at the time of filing written statement. If the petition mentioned documents are not ordered to be received by condoning the delay in filing the same, she will be put to irreparable loss and hence, the petition.

**3) Case of the respondent / plaintiff from her counter statement reads as follows:-**

The petition is false, frivolous and vexatious and not maintainable in law. The suit is filed by the respondent for partition of the suit property and the petitioner herein had filed her written statement on 11.07.2024 and at no point during those pleadings, she chose to annex or rely on the documents now she seeks to introduce, despite they were well within her knowledge and possession. The petition is filed at a belated stage after commencement of trial. There is no explanation in the petition why these documents were not filed along with the written statement or at least before the commencement of trial. Such inordinate delay is per se a valid ground to reject the petition as it offends Order VIII Rule 1A of C.P.C. Introducing the petition mentioned documents serves no legitimate purpose except to divert the focus to collateral issues i.e. the validity of the alleged Will. The genuineness of the alleged Will and other questions could lead to a mini-trial on side issues, causing further protraction. In the absence of examination of attesting witnesses, the alleged Will cannot be marked in evidence on the side of the petitioner / defendant. Allowing this petition at this juncture would cause serious prejudice to the respondent and hence, the same is liable to be dismissed with exemplary cost.

4) Point for consideration is whether the leave is to be granted to the petitioner to produce the petition mentioned documents as the documents on her side or not?

5) No oral or documentary evidence was let in on either side.

6) **POINT:**

Both side heard. Records perused. The petitioner herein is the defendant in the suit and the suit having filed by the respondent against her for partition and the same is posted for the evidence, if any, on the side of the petitioner. It is the case of the petitioner that the petition mentioned documents mingled with the other documents and hence, she sought to receive the same.

On contra, the respondent / plaintiff would contend that though the petitioner has filed her written statement earlier, she had failed to file the petition mentioned documents and has come with this petition after commencement of trial and the genuineness of the alleged Will could lead to a mini-trial which may cause further protraction and hence, sought for dismissal of the petition.

7) A perusal of the petition mentioned documents No.1 to 6 would reveal that they are the death and legal heirship certificate of M.Subbaian @ Subbaiya Gounder, Will alleged to have executed by him in favour of the petitioner, Patta issued in their favour and their Aadhar cards, respectively. The document No.3 viz. Will can be marked only by examining witness and the petition mentioned documents can be received and marked subject to proof and relevancy on examining witness and the respondent is having opportunity to cross-examine the witness and to test the validity of the documents. Fair opportunity is to be given to both

parties in establishing their respective case. Hence, this Court is inclined to receive the petition mentioned documents subject to proof and relevancy and accordingly, the point is answered.

In the result, the petition is allowed and leave is granted to the petitioner / defendant to produce the petition mentioned documents.

Dictated to the Steno-typist, typed by her directly on Computer, corrected and pronounced by me in the open Court and uploaded in the Case Information System, on this 23<sup>rd</sup> day of September, 2025.

Principal District Judge,  
Tiruppur.

**LIST OF WITNESSES & EXHIBITS EXAMINED ON BOTH SIDE:**

.Nil.

P.D.J., Tiruppur.

Draft / Fair Order  
I.A.No.03/2025 in  
O.S. No.216/2024  
Dated: 23.09.2025.  
P.D.J. Court, Tiruppur.