

**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.04/2025**

**in**

**O.S. No.625/2023**

(CNR No.TNTI18 003363 2023)

V.Savitha

.. Petitioner / 2<sup>nd</sup> defendant

Vs.

1) Muniappan,

2) Eswari

Represented by their General Power Agent M.Pushpavalli

.. Respondents / Plaintiffs

On 15.09.2025, this petition came up before me for the final hearing in the presence of Tr. O.K.Shanmugam, Counsel appearing for the petitioner, Thiru.A.Suresh, Counsel appearing for the respondents, upon hearing both side and on perusal of case records, this Court delivers the following:-

**ORDER**

Petition is filed under Order 8 Rule 1A of Civil Procedure Code to condone delay in producing the petition mentioned documents by the petitioner / 2<sup>nd</sup> defendant.

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

The petitioner herein is the 2<sup>nd</sup> defendant in the suit and the suit having filed by the respondents against her for declaration and other

Date:23.09.2025

Principal District Court, Tiruppur

reliefs. Since the petition mentioned documents mingled with the other documents in her house, the petitioner filed the petition under order seeking condonation of delay in filing those documents. They are very important documents and so, it is necessary to receive and mark them. Otherwise, she will be put to irreparable loss and hence, the petition.

**3) Case of the respondents No.1 to 3 in brief from the counter statement filed by the respondent No.3 having adopted by the respondents No.1 and 2 reads as follows:-**

The Power agent of the respondents/ plaintiffs crave leave of this Court to file this counter affidavit. The petitioner / 2<sup>nd</sup> defendant has served her proof affidavit; dated: 02.09.2025 along with 7 documents to him. However, the proof affidavit has not been filed before this Court. Whereas the petitioner has filed this petition on the very same day and except the reason that all those documents mingled with other documents in her house, she has not given any other reason for the delay. After Code of Civil Procedure Amendment w.e.f. 01.07.2022, the petitioner / 2<sup>nd</sup> defendant should have filed all his documents to be relied upon along with the written statement itself. As per Rule 1A(1), the documents relied upon by the defendants shall be entered along with the list of documents column similar to that of Order 7 Rule 14(1) CPC. Only those documents which are relied upon or referred in support of her defence, but not filed along with the written statement can be received with the leave of the Court, if the petitioner has met the precondition stated in Rule 1A(2), otherwise she is not entitled to seek leave under Rule 1A(3). Therefore, all the documents which are sought to be introduced now after 11 years cannot be received in evidence.

Further, the documents Nos. 1 to 4 have not even mentioned in the written statement, particularly in para Nos. 10 and 11. When there is no reference about those documents, the petition seeking leave is unsustainable. Similarly, the documents Nos. 5 to 7 are lis-pendens documents which were created for the purpose of the defence during 2022 and 2025 cannot be allowed to be received to decide the claim her claim.

In para No.10 of the written statement, the petitioner has vaguely referred an undated Varthaman letter allegedly executed by the plaintiffs, which has not been unearthed for more than 11 years and a perusal of the same would prove that it was fraudulently created on the Non Judicial Stamp Papers; dated: 12.12.2007. The Non-judicial Stamp Papers used in the Power of Attorney; dated: 12.12.2007 and bogus Varthaman letter are consecutive in numbers and it show that she has fraudulently created it to knock off the valuable suit properties and in fact, she is liable for perjury.

The suit has been filed as early as on 25.04.2014 and these documents sought to be introduced in the year 2025 to meet out the tailor-made defence of the petitioner with a view to protract the disposal of the suit. The unexplained delay in not referring the petition mentioned documents cannot be condoned in the absence of acceptable explanation. Hence, the petition is liable to be dismissed.

4) Point for consideration is whether the delay in producing the petition mentioned documents by the petitioner / 2<sup>nd</sup> defendant is to be condoned 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 2<sup>nd</sup> defendant in the suit. Suit is for declaration and other reliefs having filed by the respondent / plaintiff and is in the stage of petitioner / 2<sup>nd</sup> defendant side evidence, if any. It is the case of the petitioner that the petition mentioned documents mingled with the other documents in her house and hence, there is a delay in filing them before this Court.

On contra, the respondent / plaintiff would contend that the petition mentioned documents were not even mentioned in the written statement and they were created pending suit and the suit is of the year 2014 and the petitioner came forward with this petition to receive documents after 11 years from the date of suit and the same is unacceptable and hence, sought to dismiss the petition.

7) The petition mentioned document No.1 is the registered power of attorney alleged to have executed by the plaintiffs herein in favour of the 1<sup>st</sup> defendant and document No.2 is unregistered Varthamana letter alleged to have entered into between the plaintiffs and the 1<sup>st</sup> defendant. Document No.3 is the proceedings of Kunnathur Town Panchayat and documents No.4 to 6 are the tax receipts and document No.7 is the copy of Aadhar card of the petitioner. The documents can be marked only by examining witness and the petition mentioned documents can be received and marked subject to proof and relevancy 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 / 2<sup>nd</sup> 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.04/2025 in  
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Dated: 23.09.2025.  
P.D.J. Court, Tiruppur.