



filed by the plaintiffs against the defendants for the relief of partition. In original suit the defendants filed written statement. Due to the non availability of the material documents the petitioner have not able to file the said documents in time and now he has able to collect the said documents. So there is a delay of filing the said documents before this court. This is neither careless nor negligence on the part of petitioner side. Hence it is necessary to prove their case become necessiated to receive the documents otherwise there will be seriously prejudiced and put to irreparable loss. Hence, pray to allowing this petition.

**(3) Crux of the counter filed by the respondents/plaintiffs:**

The petition is not maintainable either in law or on facts and liable to be dismissed in liminie. The defendants have not assisgned any valid or sufficient reason for not producing the said documents along with the written statement as required under Order VIII Rule 1A CPC. The suit is already posted for argument stage. The petition is filed only to protract the proceedings and delay the disposal of the suit. The failure to produce them earlier is wilful and deliberate. Allowing the petition at this stage would seriously prejudice the plaintiff and change the nature of defence set up earlier. Hence pray to dismiss the petition with costs.

(4) Heard both sides. Records perused. The petitioners council argued that Due to the non availability of the material documents they have not able to file the said documents in time before court, these documents are necessary to prove their case. Hence pray to allow this petition.

(5) Per contra the learned counsel for respondents argued that The suit is already posted for argument stage. The petition is filed only to protract the proceedings and delay the disposal of the suit. Allowing the petition at this stage would seriously prejudice the plaintiff and change the nature of defence set up earlier. Hence pray to dismiss the petition with costs.

(6) Both side arguments and records considered, On behalf of the respondent, it was argued that the Petitioners filed this application solely with the intention of delaying the proceedings. Furthermore, it was contended that since the case has already reached the stage of arguments, allowing the Petitioner's application at this juncture would fundamentally prejudice the merits of the case, and therefore, the application ought to be dismissed. Per contra the Petitioners argued that they were unable to obtain the relevant documents to file along with the petition during the initial stages of the inquiry; they further contended that since the documents sought to be filed are crucial to the case, a failure to allow this application would result in severe hardship for the Petitioners. Upon a careful consideration of the arguments presented by both sides, this Court observes that accepting these documents would not cause any prejudice or difficulty to the Respondents therefore, notwithstanding the fact that the case has already been posted for arguments, this Court deems it to be in the interest of justice to afford the Petitioners an one more opportunity to file this application. In the interest of justice, this court finds that the petition is to be allowed.

In final, this petition is allowed. No cost.

Pronounced by me in the open court, this **the 16<sup>th</sup> day of March 2026.**

**II Additional District & Sessions Judge,  
Thanjavur.**

**Petitioners and Respondents side  
Exhibits and Witnesses : Nil**

**II Additional District & Sessions Judge,  
Thanjavur.**

**Order in**

**IA. 04/2026 in O.S.No: 227/2022**

**Dated: 16.03.2026**