

IN THE COURT OF THE DISTRICT MUNSIF, ARNI.

PRESENT: Miss. D.V.Koperundevi,B.com.,L.L.B.,(Hons)

DISTRICT MUNSIF,

DISTRICT MUNSIF COURT, ARNI.

Monday, the 10th day of November 2025.

I.A. No. 05/2025

in

O.S. No. 102/2017.

Nataraja Mudaliar

...Petitioner/2nd Defendant

/Vs/

1.S. Narayanan

2.S. Venkatesan

3.S. Janakiraman

4. S. Kasthuri

5.S. Nagavalli Ammal

6.R. Sivagami Ammal (Died)

...1 to 6 Respondents / Plaintiffs

7.V. Ramalinga Mudaliar

8.The Tahsildar, Arni

9. Kamala Ammal

10. Lakshmi

11. Dharani

12. Sabapathy

13. Vijaya

...7 to 13 Respondents / 1, 3 to 8 Respondents

This petition came up before me for final hearing on 05.11.2025 in the presence of Thiru. K.R.Rajan, Advocate for the Petitioner/2nd Defendant, and

Thiru. K.Chandrasekaran, Advocate for the 1 to 6 Respondents / Plaintiffs, and 7 to 13 Respondents / 7 to 13 Respondents were called absent and set exparte, and upon hearing both sides enquiry and perusing the material records of this petition and having stood over for consideration till this day, this court delivers the following:-

ORDER

The petitioner filed this petition under Order VIII Rule 1A and Section 151 CPC.

I. The gist of the averments in the petition filed by the petitioner:

1. In the affidavit, the Petitioner in this petition is the 2nd Respondent in the original case.
2. The aforementioned case has been filed in a wrongful manner by Respondents 1 to 6, seeking declaratory, injunction, and mandatory relief against the petitioner and the other respondents. The petitioner requests that the facts stated in the written statement filed for the aforementioned case be treated as part of this petition.
3. At the time the petitioner filed the written statement in the aforementioned case, the petitioner had not received any documents related to the case. Currently, upon searching his house, the petitioner found the documents related to the property in this case "A" Register, patta, settlement deed written by Venkatachala Mudaliar to Palasundara Mudaliar, and the sale deed written by V. Vadivelu to the petitioner, the sale deed written by V. Seenuvasan to the petitioner, the will written by Sivakami Ammal to Sabapathy, the will written by Sivakami Ammal to

Kamala Ammal, the copy of the suit property, tax receipt, and the plan are now available to the petitioner. The aforementioned documents are very important documents for the aforementioned case. Therefore, it is necessary to accept the aforementioned documents as additional documentary evidence for the petitioner's side.

4. By accepting the aforementioned documents, there is no possibility of any problem arising for the opposite party.
5. Therefore, the petitioner prays that the Hon'ble Court may be pleased to accept the documents mentioned in the schedule of the petition currently filed by the petitioner's side in the said case as additional documentary evidence for the petitioner's side.

II. The gist of the averments in the counter filed by the 1st respondent, and the same was adopted by the 2nd to 6th respondents:

1. All the facts stated in the petitioner's petition are strongly denied and objected to by these respondents/plaintiffs. This petition has no basis or foundation. The respondents/plaintiffs are being unnecessarily harassed and suffer financial loss. A petition has been filed to cause this. This petition is not sustainable. It is liable to be dismissed at the very outset.
2. The petition filed by the above petitioner / 2nd respondent to accept additional documents is not legally valid. Moreover, the petitioners are obliged to prove the facts other than those accepted by the 1 to 6 respondents in their counter-statement.
3. All the documents listed in the petitioner's document list are irrelevant to this case and appear to have been created for the case. All the documents have been created by the petitioner for the case.

4. Furthermore, the documents numbered 1, 8, 9, and 10 filed on behalf of the petitioners are not admissible or suitable documents. Therefore, it is submitted through this counter-statement that the documents 1, 8, 9, and 10 mentioned in the petitioner's petition should not be allowed to be marked by the Hon'ble Court. It is requested that the Hon'ble Court review that some of the documents filed in this petition are not documents provided by qualified persons.
5. The documents numbered 1 to 10 in the petitioner's document list are unnecessary for the case. The petitioner is responsible for proving the authenticity of the said documents.
6. Furthermore, the additional documents in the document list have been filed without any valid reason. Therefore, the above petition should be dismissed.
7. Therefore, the court finds that there is no justice or any facts to be allowed on conditions. It is clear that the petitioner's intention is to prolong the case. The Hon'ble Court is requested to proceed with this petition so that the justice due to the 1st to 6th respondents and these plaintiffs may be rendered in a timely manner.

III. Points:

1. Whether the petition under Order VIII Rule 1A and Section 151 of CPC to be allowed or not?

IV. Points for Consideration:

Heard on both sides. Records have been perused.

1. The case of the petitioner is that the suit has been filed by the respondents 1 to 6 (plaintiffs in the main suit) seeking declaratory, injunction, and

mandatory reliefs against him and the other respondents. The petitioner states that when he filed the written statement in the said suit, he did not have possession of several relevant documents pertaining to the property. Upon subsequently searching his house, he located certain documents such as the *A-Register extract, patta, settlement deed executed by Venkatachala Mudaliar in favour of Palasundara Mudaliar, sale deeds executed by V. Vadivelu and V. Seenuvasan in favour of the petitioner, wills executed by Sivakami Ammal in favour of Sabapathy and Kamala Ammal, tax receipts, plan copy, and other connected documents*. The petitioner contends that these documents are crucial for establishing his defence and for the proper adjudication of the dispute.

2. He further submits that the acceptance of these documents as additional evidence would not prejudice the respondents and that the same are necessary for the just and complete disposal of the case. On the other hand, the respondents 1 to 6 (plaintiffs) have filed a counter. The respondents further allege that the documents listed are irrelevant to the present case and appear to have been created for the purpose of litigation. They also specifically object to the admissibility and genuineness of the documents numbered 1, 8, 9, and 10, contending that they are not properly executed or authenticated. It is, therefore, argued that the petition deserves to be dismissed in limine.
3. This Court has carefully considered the submissions of both parties and perused the petition and counter along with the list of documents sought to be produced.

4. It is seen that the petitioner has sought to produce certain documents which, according to him, were not in his possession when the written statement was filed. The explanation offered by the petitioner is that the documents were found later upon searching his house. Though this explanation is somewhat general, it cannot be entirely disbelieved in the absence of any material to show mala fide intention.
5. Under Order VIII Rule 1A(3) CPC, a defendant who fails to produce documents along with the written statement may, with the leave of the court, produce such documents later if sufficient cause is shown. The underlying object is to enable the court to have before it all relevant materials necessary for the complete and effective adjudication of the dispute. At the same time, it is also settled law that while considering such petitions, the court should ensure that (i) there is a satisfactory explanation for the earlier omission, (ii) the documents are relevant and material to the case, and (iii) no prejudice is caused to the opposite party.
6. In the present case, the documents sought to be produced are mainly title-related records such as sale deeds, wills, patta, and revenue extracts, all of which prima facie appear to relate to the property that is the subject matter of the suit. Their relevancy can be determined only during trial when evidence is recorded, and the respondents will have sufficient opportunity to cross-examine and dispute their genuineness.
7. This Court is of the view that rejecting the petition at this stage would cause greater hardship to the petitioner, as he would be deprived of the opportunity to rely upon documents that may have a bearing on the decision of the case. The objections raised by the respondents as to the

admissibility or genuineness of the documents can be considered at the appropriate stage of trial. Permitting the production of the documents does not, by itself, amount to their proof or acceptance in evidence.

8. Therefore, in the interest of justice and to enable the court to arrive at a proper and fair adjudication of the dispute, the petition deserves to be allowed, subject to proof and relevancy of the case.

V. Result:

As a result, the petition filed under Order VIII Rule 1A read with Section 151 of the Code of Civil Procedure is allowed. No costs.

Dictated to Steno Typist, and computerized by her directly, corrected and pronounced by me in the open Court, on the 10th day of November 2025.

**District Munsif
Arni**

List of documents & witnesses: N I L

**District Munsif
Arni**