

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.****Friday, the 14th day of November 2025.****I.A. No. 04/2025****in****O.S. No. 122/2017.**

Parameshwari ... Petitioner/Defendant

/Vs/

Ashokumar ...Respondent/Plaintiff

This petition came up before me for final hearing on 11.11.2025 in the presence of Thiru. D.Chandrasekaran, Advocate for the Petitioner/Defendant, and Thiru. D.Thirugananam, Advocate for the Respondent/Plaintiff, 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 1 (A) (3) and Section 151 of CPC.

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

1. In the affidavit, the petitioner/ herein and the defendant in the main suit.
2. The petitioner submits that online registration copy of the sale deed 13.02.2009 bearing document No. 1214/2009, and sale deed dated 13.02.2009 documents are got by the petitioner now only. The petitioner submit that he have filed the Xerox copy of the sale deed 13.02.2009 bearing document No. 1214/2009 at the time of filing written statement. The Online registration copy of the said document dated 13.02.2009 bearing document

No. 1214/2009 and sale deed dated 13.02.2009 are more fully described in the petition filed by the petitioner to receive the document is traced out now only from his house, hence the petitioner could not able to file the said document already, the said documents are very much essential for the just decision of this suit. The petitioner has filed an application to receive documents as detailed referred in this petition. Hence, it becomes just and necessary in the interest of justice to grant permission to receive the said documents filed along with this petition or otherwise, the petitioner will be put to irreparable loss and hardship.

3. Hence, the petitioner prays that this Hon'ble court may be pleased to grant permission to the petitioner to file the documents and to receive the same and pass such other orders as this Hon'ble court may deem fit.

II. The averments in the counter filed by the respondent:

1. The said petition filed on behalf of the defendant is not legally and justly valid.
2. The petitioner side is obligated to prove the other facts, except for the facts voluntarily admitted in this counter-affidavit.
3. The document filed by the plaintiff in the said case is a document dated 13.02.2009. The said document was in the possession of the defendant when the counter-affidavit was filed. It is not legally acceptable to have filed a copy at that time with the intention of delaying the said case, and now filing a certified copy of it. The said petition filed by the petitioner/defendant for false reasons should be dismissed.
4. The petitioner/defendant has filed the said petition in this Hon'ble Court with the bad intention of delaying the said case.

5. There is no cause of action for the said petition.
6. Therefore, the petitioner/plaintiff prays that the Hon'ble Court may be pleased to dismiss the petition filed by the defendant under Order 8 Rule 1(a) (3) and 151 CPC with the costs of the respondent/plaintiff.

III. Points:

1. Whether the petition under Order VIII, Rules 1(A) 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 respondent (plaintiffs in the main suit) seeking permanent injunction against the respondent. 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 sale deed bearing document No.1214/2009 dated 13.02.2009, and unregistered Sale deed dated 13.02.2009. 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 respondent and that the same are necessary for the just and complete disposal of the case. On the other hand, the respondent (plaintiff) have filed a counter. The respondent 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

contending that the respondent is 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 to produce the case, 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, to receive documents with subject to proof and relevancy of the case.

V. Result:

As a result, the petition filed under Order VIII Rule 1(A)(3) read with Section 151 of the Code of Civil Procedure is allowed, with subject to proof and relevancy of the case. No costs.

Dictated to Steno Typist, and computerised by her directly, corrected and pronounced by me in the open Court, on the 14th day of November 2025.

**District Munsif
Arni**

List of documents & witnesses: N I L

**District Munsif
Arni**