

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.

Saturday, the 20th day of September 2025.

I.A. No. 04/2025

in

O.S. No. 95/2012.

1.Mohana

2.Chitra

3.Venda

4. Anjala

5.Vartha

6.Thulasi (died)

... Petitioners/Defendants 1 to 5

/Vs/

1.Sundaramoorthi

2.The Tahsildar, Arni

3.Manickam

...Respondents/Plaintiffs

This petition came up before me for final hearing on 01.09.2025 in the presence of Thiru. M.Sivakumaran, Advocate for the Petitioners/Defendants 1 to 5, and Tmt. Nrimala, Advocate for the Respondents/Plaintiffs, 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 8 Rule 1-A and Section 151 CPC.

I. The gist of the averments in the petition:

1. In the affidavit, the petitioner herein is the 1st defendant in the above suit. The petitioner filing this affidavit on behalf of the other petitioners also. The plaintiff has filed the above suit for declaration of title and for permanent injunction and also other reliefs. The petitioner have filed a detailed written statement in the above suit and the same may be read as part and parcel of this affidavit.
2. The petitioner submit that the above case is posted today for defendant side evidence. In his written statement, the petitioner have mentioned about the

documents detailed in the petition schedule. Now the petitioner have obtained certified copies of the schedule mentioned documents. Further the petitioner have also got some additional documents, which are essential to prove the petitioner's case. The schedule mentioned documents may be ordered to be received by this Hon'ble Court to enable the petitioner to get on with that case.

3. The petitioner submit that if this application is not allowed, the petitioner will be put to serious loss and hardship.
4. It is therefore just and necessary that the petition schedule mentioned documents may be ordered to be received by this Hon'ble Court under the circumstances.

II. The gist of the averments in the counter:

1. The petitioner's petition is not maintainable either legally or equitably.
2. The petitioner's claim to file documents now, without having mentioned them in the written statement regarding a previously concluded case, is not acceptable. They should have been filed along with their written statement at that time.
3. Furthermore, the judgment in the case filed by the plaintiff was delivered many years ago. Filing it now is not acceptable. Neither the respondent nor the plaintiff had any knowledge about that case. For this reason, the petitioner's petition should be dismissed.
4. The respondent was unaware of the possession receipt filed as the second document in the petition or the execution petition. Moreover, this case was filed before that event, and it should have been filed along with the written statement in this case. Filing it now, after a long delay, is not acceptable.
5. The third document filed in the petition, the patta, was mistakenly issued in the name of Dhanakkotti and is not an acceptable document in this case.
6. Therefore, the Hon'ble court is requested to kindly dismiss the petitioner's petition with costs to the Respondent.

III. Points:

1. Whether the petition under Order 8 Rule 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 petitioner, who is the 1st defendant in the main suit, has filed this petition under Order 8 Rule 1-A CPC read with Section 151 CPC stating that he had already filed a detailed written statement in the above suit and the same may be read as part of this affidavit, and further stating that in the written statement he had referred to certain documents which are now obtained as certified copies, and in addition, he has also secured some further documents which are necessary and essential to substantiate his defence and to establish his case during the course of trial, and hence prays that the petition schedule mentioned documents may be received on file to enable him to adduce evidence. It is the case of the petitioner that unless the documents are received, he will be put to serious loss and hardship and the defence raised in the written statement will not be effectively proved.
2. The respondent has filed a counter contending that the petition is not maintainable either legally or equitably, and that the petitioner ought to have filed all the documents along with the written statement as mandated under Order 8 Rule 1-A CPC, and having failed to do so, he cannot now, at a belated stage, seek to file additional documents. The respondent has further contended that the judgment in a different case filed by the plaintiff long back is sought to be filed now without prior notice to the respondent or the plaintiff and that this is impermissible. The respondent also contends that the second document, namely the possession receipt in execution proceedings, could have been filed earlier, and the same relates to a proceeding subsequent to the filing of the present suit, and therefore, has no relevancy to the issues involved. With respect to the third document, the respondent has contended that the patta is in the name of a third party by mistake and has no probative value in the present

proceedings. Thus, according to the respondent, the petition is liable to be dismissed with costs.

3. On a careful consideration of the rival contentions, it is seen that under Order 8 Rule 1-A CPC, a defendant is required to file along with the written statement all documents upon which he bases his defence or sets up his counter-claim or claim to set-off. However, sub-rule (3) of Rule 1-A makes it clear that a document which ought to have been produced but has not been so produced, may be produced with the leave of the Court, if the Court is satisfied with the reasons assigned and is of the opinion that the document is necessary for proper adjudication of the case. The intention of the provision is not to shut out relevant documents altogether but to ensure that parties do not spring surprises or adopt dilatory tactics. Thus, the discretion of the Court is wide but guided by the twin tests of (i) whether the document is necessary for effective adjudication, and (ii) whether sufficient cause is shown for its non-production earlier.
4. In the present case, the documents are certified copies of records already referred to in the written statement of the petitioner, as well as some additional documents said to be essential for his defence. The reason given is that certified copies could not be obtained earlier, and hence could not be filed with the written statement. This explanation, though not very detailed, appears reasonable and cannot be said to be mala fide. The respondents' objection that the documents are irrelevant goes to the evidentiary value of the documents, which can be tested at the stage of evidence and cross-examination, and cannot be a ground to reject their reception altogether. The law is settled that mere delay in producing documents cannot, by itself, be a ground to reject them if they are otherwise relevant and necessary for adjudication. The respondents will have full opportunity to cross-examine the witnesses of the petitioner on the said documents and also to rebut them by producing contrary evidence.
5. As regards the objection that one document, namely the patta, stands in a different name, that is an aspect to be considered while appreciating its evidentiary value and not while deciding its admissibility. Similarly, the

objection that certain documents pertain to a different proceeding or later event, is also a matter for appreciation at the stage of trial. The primary consideration at this stage is whether the documents are essential for the defendant's case and whether prejudice would be caused to the opposite party if they are received. In this case, no irreparable prejudice will be caused to the plaintiff by merely receiving the documents.

6. Hence, on considering the stage of the case and in order to dig-out the real questions of facts of this case, and to give sufficient opportunity for both sides to prove their case on merits, and for the purpose of rendering justice and to meet the ends of justice, this Court is inclined to receive Document No.1 to 3 on production of original documents and subject to proof and relevancy of the case.

V. Result:

In the result, this petition is allowed, thereby Document No.1 to 3 are ordered to be received in evidence and subject to proof and relevancy of the case. No costs.

Dictated to Steno Typist, and computerized by her directly, corrected and pronounced by me in the open Court, on the 20th day of September 2025.

**District Munsif
Arni**

List of documents & witnesses: N I L

**District Munsif
Arni**