

**III ADDITIONAL DISTRICT & SESSIONS COURT
TIRUVALLUR at POONAMALLEE**

Present: **Thiru. C.VIJAYAKUMAR, B.A., B.L.,**
III Additional District and Sessions Judge

Tuesday, the 27th day of January 2026
I.A.No.02/2025
in O.S.No. 2/2012

1) John Wesley, S/o. Vedanayagam,
No. 183, M.T.H. Road, Mannurpet,
Chennai – 600 050.

..Petitioner / 2nd Defendant

//Vs//

1) Mr. A. Manova, S/o. Adimoolam,
No.707, M.T.H. Road, Mannurpet,
Chennai – 600 050.

... Respondent / Plaintiff

2) V. Christibel, W/o. Vengitesan,
No.183, M.T.H. Road, Mannurpet,
Chennai – 600 050.

3) J. Bilala Ahamed, S/o. Iqubal,
No. 49/26, 2nd Street,
Vasanth Thottam, Ayanavaram,
Chennai – 600 023.

4) S. Durairaj, S/o. R/ Sundaresan,
No. 675, M.T.H. Road, Mannurpet,
Chennai – 600 050.

.. Respondents / Defendants

5) P. Sathish, S/o. Srinivasalu,
Vajjvaari Kantrika, Beerakuppam Post,
Nagalapuram Taluk, Thirupathi District,
Andrapradesh.

... 5th Respondent / 5th Defendant

This petition came up before this court for final hearing on 20.01.2026 in the presence of Mr. P. Suresh Babu learned counsel for the Petitioner / 2nd Defendant, Mr. Rajachandra sekar learned counsel for the 1st respondent / plaintiff endorsed as 'No Counter', Mr. Mohana learned counsel for the 2nd respondent endorsed as 'subject to proof and relevancy of the document, the application may be allowed', Mr. Mohanraj learned counsel for the 3rd Respondent, Mr. U. Vasudevan learned counsel for the 4th respondent, Mrs. Premalatha learned counsel for the 5th respondent endorsed as 'No Counter' and upon hearing the both sides and on perusal of oral and documentary evidence, having stood over for consideration till this day, this court passed the following:

ORDER

The petition is filed by the petitioner / 2nd defendant, under Order VIII Rule 1-A(iii) r/w of CPC read with 151 of CPC prayed to receive and mark the documents i.e., Charge sheet along with FIR in Cr.No.510/2013, Document list, Statement of witnesses U/s. 161 Cr.P.C in C.C.No.92/2024 on the file of the Judicial Magistrate No.1, Poonamallee.

2) The averments made in the affidavit filed in support of the petition are briefly as follows:-

The Petitioner / 2nd Defendant submitted that the 1st Respondent / Plaintiff filed the main suit for the reliefs of specific performance, declaration and other

consequential relief. The Petitioner / 2nd Defendant as lodged various complaints against the 4th Defendant before the T-4 Ambattur P.S and the Chief Minister Cell. After due process of the investigation, EDF-II Team, Central Crime Branch, Avadi, filed final report and the same has been taken cognizance of by the Learned Judicial Magistrate No.1 Poonamallee as C.C.No. 92 of 2024 accompanied by the said documents. Further, it is submitted that, these documents contain the true account of the incident and the status of the investigation. The petition filed this present application and prayed to receive and mark the documents. Hence, the petition.

3) The averments of the Counter filed by the 4th Respondent / Defendant are in brief as follows :

The 4th Respondent /Defendant denied all the averments contained in the affidavit filed by the Petitioner / 2nd Defendant and stated that, the petitioner lodged false and frivolous complaint before the Ambattur P.S and CM Cell against the 3 to 5th Respondents / Defendants. The said documents were not substantiate the case of the petitioner and not relevant this case in any way. Further it is submitted that the O.S.No.29/2013 contains 5 defendants by the application filed to receive the documents filed against only 4 defendant alone. Under these circumstances, this petition is liable to be dismissed.

4) On the side of the Petitioners / Defendants and the Respondents / Plaintiffs no witnesses were examined and no exhibits were marked.

5) The point for consideration is whether this petition is allowed or not ?

6) **Point:**

Heard both sides. Perused the documents.

7) The 1st Defendant / Plaintiff filed the above suit for the relief of the Specific Performance, declaration and permanent injunction. The suit is pending for the examination of the Defendant side witnesses. In the circumstance, the petitioner filed the present application under Order VIII Rule 1-A(iii) of CPC r/w 151 of CPC to receive and mark the additional documents on his side.

8) The Order VIII Rule 1A CPC casts a duty upon the Defendant to produce all the documents upon which the relief is claimed or relied upon by the Defendant. The General position of law is that the Defendant has to file the documents that it seeks to rely upon along with the written statement. For any belated filing, leave of the Court is required before the document is taken on record. The Hon'ble Supreme Court in **the case of Sugandhi v. P. Rajkumar reported in (2020) 10 SCC 706** has held that leave can be granted on good cause for non production being shown. The relevant portion of the Judgment reads as under,

8.Sub-rule (3), as quoted above, provides a second opportunity to the Defendant to produce the documents which ought to have been produced in the Court along with the written statement, with the leave of the Court. The discretion conferred upon the Court to grant such leave is to be exercised judiciously. A While there is no straight jacket formula, this leave can be granted by the Court on a good cause being shown by the Defendant. 9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the Court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, Courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the Court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the Court should take a lenient view when an application is made for production of the documents under sub- rule 3).

9) Before dealing with the rival submissions made on behalf of both the sides, it would be useful to reproduce the provisions contained in Order 8 Rule 1-A

(iii) CPC. Same reads as under:

(3) A document which ought to be produced in Court by the Defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

10) In the light of the mandate of the Judgment referred above and the relevant rule, it is open that it is the mandate of the law that Defendant shall produce all the documents along with the Written Statement. However, the Defendant may file documents at the later stage of the proceedings but only with the leave of the Court and for this Defendant has to establish that the document was not in the possession or power at the time of filing of the written statement or the document is of such relevance that without which the suit cannot be effectively disposed off. Therefore, the application under consideration has to be tested on the touchstone of Order 8 Rule 1A (3) CPC which clearly stipulates that the appropriate time for filing any document in support of defence of Defendant is when the written statement is filed.

11) On perusal of the counter of the 4th Respondent, it is stated that, the petitioner lodged false and frivolous complaint before the Ambattur P.S and CM Cell against the 3 to 5th Respondents and the documents are not relevant to this case in any way. The above reason stated by the respondent is not sufficient to dismiss the petition.

12) The reasons stated by the Petitioner that the documents now only available to him is satisfied this Court upon considering both parties' contentions, the nature of the case, and the documents presented, the Court permits the Petitioner to produce the documents he relies on, as they will

assist the Court in effectively deciding the facts in issue. This will also ensure a fair trial and curtail multiplicity of proceedings. There is no prejudice caused to the Respondent.

13) In result, this petition is allowed without cost.

Dictated to the steno-typist directly, typed by him in the computer, corrected and pronounced by me in the open court, this the 27th day of January 2026.

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**

Exhibits and Witnesses on both sides :- Nil

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**