

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Wednesday, the 20th day of January 2026.

I.A. NO.25 OF 2025
in
O.S. NO.347 of 2007

1. Suseelammal
2. Vasantha Rao (died)
3. Swarnakantha Rao (died)
4. Kamalamma
5. K.Amarendra Rao
6. K.Lakshmi Narasu
7. Gomathi
8. S.K.Muktha
9. K.Chiranmaya
- 10.A.Jayakumar
- 11.A.Babu
- 12.Nuttaki Nageshwara Rao
- 13.Surya Narayana Rao
- 14.Venkadaramana Rao
- 15.Vijaya Narasimha

..... Petitioners/Defendants

Versus

1. P.Dasaratharama Reddy
2. P.Anushya
3. P.Jalandar
4. D.S.Rajini
5. S.Chitra

..... Respondents/Plaintiffs

This petition came on 19.01.2026 for final hearing before me in the presence of Mr.R.Kalamegam, Learned counsel appearing for the Petitioners/Defendants and Mr.E.Prabu, Learned counsel appearing for the Respondents/Plaintiffs. Upon hearing both sides, after perusing the material case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

This petition has been filed under Order VIII Rule 1A(3) of Civil Procedure Code to receive the additional documents.

2. Brief averments of the affidavit filed by the petitioners are as follows:

2.1. The petitioners herein are the defendants in the suit. The following documents were already filed before this court but remain unmarked documents due to closure of the defendant side evidence. All these documents are xerox copies, as the originals are either old revenue records or not presently available. These documents are essential to prove the continuous possession and long standing title of the defendants. The said xerox copy of the order dated 18.02.1982 passed by the Tahsildar, Ponneri Taluk, cancelling the fraudulently obtained patta by 1st plaintiff. The document relates to the suit property along with other joint family properties joint patta No.203 dated 18.08.1987 issued to the defendants 1 to 3 and Adangal extract dated 23.07.2007 issued by the Revenue department. Property tax receipt dated 19.09.2021 showing continuous possession till date. All these documents clearly establish the defendants' uninterrupted possession and revenue recognition.

2.2. These documents were not available at the earlier stage as they pertain to the latest assessment years, the court may consider to marking as secondary evidence – Section 65 of Evidence Act, present provision of section 60 of BSA, since many of the old revenue records are not available in original, the xerox copies are sought to be marked as secondary evidence under section 65 of the Indian Evidence Act, subject to the objections of the plaintiff's legal representatives. The said documents are very essential to prove title and possession in this case suit properties. Hence this petition.

3. Brief averments of the counter filed by the respondent/plaintiff are as follows:

3.1. The respondents are the plaintiffs in the suit. The above petition is not maintainable in law and on facts and the same is liable to be dismissed. The 5th

petitioner herein already filed proof affidavit as DW-1 along with petition to receive additional documents numbering 1 to 19 and the same was allowed and Ex.B1 to B11 are marked on 08.08.2025 and the rest of the documents are photos copies hence this court reject the same. Thereafter the case is posted for cross examination of DW1 and on several hearing DW-1 was not present before this court. Pending the same father the sole plaintiff was dead and we are impleaded as parties to the suit. Again the case is posted for DW-1 cross, while so on 18.11.2025 the petitioners herein filed an application to receive additional documents numbering 1 to 14 in which the documents 1 to 4 and 6 to 8 are photo copies which are already filed with the proof affidavit and rejected by this court.

3.2. The documents 5, 9 to 14 are after suit documents. The petitions are returned on 20.11.2025, the case was posted for DW-1 cross on 24.11.2025 On 24.11.2025 again the petititons are represented and the same is returned on 25.11.2025 as incorrect and adjourned to 26.11.2025 for apperance of DW-1. On 26.11.2025 the DW-1 was absent and the case was posted on 28.11.2025 for appearance of DW-1 or else further orders will be passed. Again on 28.11.2025 again the above petition is represented which shows the ulterior motive of the petitioners who are trying to delay on the proceedings of the case by filing one application or the other on this ground alone the above petition is liable to be rejected. It is false to allege that some of the documents are photo copies and the originals are not available with the petitioners and hence the same may be marked under Section 65 of the Evidence Act. Without filing necessary application the same cannot be makred as secondary evidence for the whims and fancies of the petitioners. Hence the above petition is bereft of material facts and liable to be dismissed. Hence the above petition is liable to be dismissed.

4. **Evidence:**

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this Court.

5. Point for determination :

Whether this petition can be allowed or not.

6. Discussion and Findings:

6.1. Heard. Records perused. The present petition has been filed by the petitioners/defendants seeking permission to receive additional documents on the side of the defendants and, for that purpose, to reopen the chief examination of DW1, which was closed on 29.08.2025, when the suit is presently at the stage of cross-examination of DW1. This Court has carefully considered the submissions made by both parties. Upon perusal, it appears that the petition merely seeks to introduce certain documents that were not filed earlier. The validity, admissibility, and authenticity of these documents will be determined during the course of the trial, and not at this stage. The mere act of receiving these documents into the record does not, in itself, grant any undue advantage to the petitioner. It remains the petitioner's burden to establish the authenticity, relevance, and evidentiary value of these documents through appropriate legal procedures. Furthermore, the respondent will have ample opportunity to test the content, authenticity, or validity of the documents at the time of marking.

6.2. In this context, it is pertinent to refer to two authoritative judgments of the Hon'ble Apex Court, which provide clear guidelines for trial courts dealing with applications for the admission of additional documents. These decisions laid down the principle that the mere introduction of documents does not automatically determine their evidentiary value; rather, such issues should be addressed during the trial. Below are the relevant portions of these judgments for reference:

At this juncture, the Hon'ble apex court in the case of *Levaku pedda Reddamma vs gottumukkala Venkata subbamma*, 2022 Livelaw SC 533 has held the following :

“We find that the trial as well as the High court have gravely erred in law in not permitting the defendants to produce documents the relevance of which can be examined by the trial court on the basis of the evidence to be led, but to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice... it is well settled that rules of procedure are hand-maid of justice and, therefore, even there is some delay the trial court should have imposed some costs rather than to decline the production of the document itself”

6.3. In this regard, it has been also held by our Hon’ble Apex court in the case of ***Suganthi (Dead) v. Rajkumar in Civil Appeal No. 3427 of 2020***, that courts should take a lenient view when an application is made by defendant for production of the document which he was unable to produce along with the written statement. The relevant portion of the citation is extracted hereunder :

“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 subrule (3).”

6.4. Upon a careful reading of the judgments referred to above, it is clear that the Hon’ble Apex Court has issued directions to the trial courts to adopt a lenient approach where sufficient cause is shown by a defendant for not producing documents at an earlier stage. Furthermore, the Supreme Court has held that even if documents are filed belatedly, their outright rejection may result in a denial of justice. Admittedly, the documents sought to be marked do not suffer from any apparent legal infirmity or procedural deficiency. Therefore, this Court is of the considered view that

an opportunity ought to be granted to the petitioner to substantiate their case. The petition cannot be dismissed at the threshold merely on the ground of delay.

6.5. At the backdrop, it is necessary to mention here that upon perusal of the records, The contention of the defendants that certain documents could not be marked at the time of recording evidence, and that they are photocopies constituting secondary evidence, is noted. However, all objections relating to admissibility, proof, relevancy, and the nature of the documents shall be considered at the stage of marking of the documents and not at the stage of their reception.

6.6. Considering the aforementioned aspects and with a view to advancing the cause of justice, this Court is inclined to allow the present petition. It is evident that no substantial prejudice would be caused to the respondent by permitting the marking of the said documents at this stage. Moreover, the admissibility, evidentiary value, and relevancy of the documents will still be subject to proof.

7. **Result :**

In the result, this petition is allowed. No costs.

Dictated by me to the steno-typist, directly typed by her in her desktop, corrected and pronounced by me in the open court, on this the 20th day of January 2026.

DISTRICT MUNSIF,
PONNERI.

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,
PONNERI

Fair/ Draft Order
I.A.No.25/2025
O.S.No.347/2007
Date:20.01.2026
DMC,PNI