

**IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.**

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

Wednesday, the 30<sup>th</sup> day of July 2025.

**I.A. NO.10 OF 2025**  
**IN**  
**O.S. NO.313 OF 2006**

1. Radhakrishna Naidu
2. Rathinavalli (died)
3. Ashok
4. Sathyakumar
5. Premkumar
6. Sureshbabu
7. Malliga
8. Rajeshbabu

..... Petitioners/Defendants

Versus

1. N.Santhakumar (died)
2. P.V.L.Narayanan (died)
3. S.Rajeshwari
4. N.Sujatha

..... Respondents/Plaintiffs

This petition came on 25.07.2025 for final hearing before me in the presence of Mr.G.Nanthagopal, Learned counsel appearing for the petitioners and Mr.T.Susairaj, Learned counsel appearing for the Respondents 3 and 4. 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 CPC to receive additional documents listed along with this petition on the side of the defendants side in the above suit.

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

The petitioner herein is the 1<sup>st</sup> defendant in the above suit, the petition for filing documents for defendant side. The plaintiffs filed the suit for declaration and

permanent injunction. The suit is posted for defendants' side evidence. This application to receive the said 10 documents listed in one to ten may be received in evidence for defendants side in order to disprove the plaintiff case. The documents therefore the allowing the application for reception of document to file and mark the same evidence. The application for inception document to allow the same by granting leave of this court. Therefore, these documents are being submitted as part of our evidence. Unless these documents are received, the petitioners will be subjected to irreparable loss and untold hardship. Hence, this petition.

**3. Brief averments of the counter filed by the 4<sup>th</sup> respondent and adopted by the 3<sup>rd</sup> respondent are as follows:**

The respondents submit that the reasons for condoning the delay in filing the documents. The petitioner has filed 10 documents which are of the year 1993, 1994 and 1979. All these documents were already in the custody of the petitioners/defendants and for reasons best known they have failed to file these documents at the time of filing of written statement. The relevant and truth of the documents are to be proved. The petitioner has intentionally with a view to prevent the respondents/plaintiffs to agitate the matter at the time of evidence have failed to file the documents intentionally. The truth and validity of the documents are disputed.

**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. The petitioners are the defendants in the suit. The suit is now in the stage of defendants side evidence and now the petition has been filed on the side of the petitioners/defendants to receive the additional documents which they failed to file along with the written statement hence this petition.

6.2. On the other hand, the respondents argue that the petitioners have failed to provide reasons for the delay in filing the present documents. Moreover, the documents submitted by the petitioners are from the years 1993, 1994, and 1979, and therefore, they could have been filed at the initial stage itself.

6.3. Upon perusal of the records, it is evident that the documents sought to be marked by the petitioners have been considered. However, the mere reception of these documents on file does not, by itself, confer any undue advantage upon the petitioners. The burden remains on the petitioners to establish the authenticity and relevance of the said documents through admissible legal evidence. Furthermore, the respondents will be afforded ample opportunity to cross-examine the petitioners regarding the contents and validity of the documents.

6.4. At this juncture, this Court considers it appropriate to refer to two authoritative pronouncements of the Hon'ble Supreme Court, wherein the Apex Court has clearly laid down the principles guiding the trial courts in dealing with applications seeking to receive documents under the very same provision of law. The relevant portions of the judgments are extracted hereunder for reference.

6.5. Our 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”*

6.6. 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).”*

6.7. 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 petitioners to substantiate their case. The petition cannot be dismissed at the threshold merely on the ground of delay.

6.8. 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 during the course of trial.

**7. Result :**

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

Dictated to the stenographer, transcribed by her in the desktop, corrected and pronounced by me in the open Court on this the 30<sup>th</sup> day of July 2025.

DISTRICT MUNSIF,  
PONNERI.

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,  
PONNERI

Fair/ Draft Order  
I.A.No.10/2025  
O.S.No.313/2006  
Date:30.07.2025  
DMC,PNI