

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Wednesday, the 19th day of November 2025.

I.A. NO.12 OF 2025

IN

O.S. NO.39 OF 2016

1. Muthammal
2. Shanmugam
3. Seeyalan (died)
4. Deivasigamani
5. Dhanapal Reddy
6. Yamuna
7. Sathish
8. Anu
9. Amsa

..... Petitioners/Defendants

Versus

Sumithra @ Dilliammal

..... Respondent/Plaintiff

This petition came on 17.11.2025 for final hearing before me in the presence of Mr.R.Krishnaswamy, Learned counsel appearing for the petitioners/defendants and Mr.T.Susairaj, Learned counsel appearing for the Respondent/plaintiff. 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) Read with Section 151 of of Civil Procedure Code to pass an order thereby excusing the delay caused in production of those documents.

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

The petitioners herein are the defendants in the suit. The suit has been filed by the respondent/plaintiff seeking a declaration of title and various other reliefs. The

plaintiff's side has completed presenting their evidence, and the case is now posted for the defendant's side evidence. The petitioners are ready to submit their proof affidavit, but certain documents that were to be filed were misplaced and could not be traced at the time of filing the written statement. As a result, these documents are being produced only now. Therefore, the petitioners, through this petition, seek permission to file the additional documents on their behalf.

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

The respondent is the plaintiff in the suit and seeks a declaration that the judgment and decree passed in OS No. 94/1998, dated 27.02.2007, by this court, is null and void and not binding. The petitioners/defendants have filed a written statement along with a counterclaim, seeking to uphold the earlier judgment dated 27.02.2007 in OS No. 94/1998, dismissing the plaint in OS No. 39/2016 against the defendants, and also seeks recovery of vacant possession of the property. The respondent is not a party to any of the legal proceedings referred to by the petitioners/defendants in the counterclaim, nor is the respondent a party to any of the documents that the petitioners/defendants seek to mark. Documents 1 to 17 have been in the custody of the petitioners/defendants, but they were not filed at the time of submitting the written statement, despite being referenced therein on 19.07.2016. The petitioners/defendants intentionally failed to file these documents. As the petitioners/defendants are parties to the proceedings, their explanation regarding the misplacement of documents is unacceptable, and the delay has not been adequately explained. Hence, the respondent prays for the dismissal of this petition.

4. Neither the petitioners nor the respondent 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 have been perused. The present petition has been filed by the petitioners/defendants seeking permission to receive additional documents on their side. The petitioners contend that the documents in question are essential for substantiating their case. Conversely, the respondent/plaintiff objects to the petition, arguing that the documents sought to be received have been in the custody of the petitioners/defendants, but they were not filed at the time of submitting the written statement. 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 at the time filing of written statement. 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 petitioners. It remains the petitioners' burden to establish the authenticity, relevance, and evidentiary value of these documents through appropriate legal procedures. Furthermore, the respondents will have ample opportunity to cross-examine the petitioners and raise any objections to the content, authenticity, or validity of the documents during the trial.

6.2. In this context, it is pertinent to refer to two authoritative judgments of the Hon'ble Supreme 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 petitioners to substantiate their case. The petition cannot be dismissed at the threshold merely on the ground of delay.

6.5. 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 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 19th day of November 2025.

DISTRICT MUNSIF,
PONNERI.

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,
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Fair/ Draft Order
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DMC,PNI