

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Tuesday, the 28th day of October 2025.

I.A. NO.4 OF 2025
IN
O.S. NO.125 OF 2010

1. K.C.Ganesan
2. G.Saridha
3. C.Banumathi Petitioners/Defendants 2, 3 & 6

Versus

1. S.Kavitha Respondent/Plaintiff
2. Anilkumar
3. Sambasiva Rao Respondents/Defendants 4 and 5

This petition came on 23.10.2025 for final hearing before me in the presence of Mr.T.Mahesh, Learned counsel appearing for the petitioners and Mr.E.Thulasiraman, Learned counsel appearing for the Respondent/plaintiff. The Respondents 2 and 3 have endorsed 'no counter' to this petition. 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 the documents in the petition as documents on the side of the petitioners/defendants 2, 3 and 6.

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

The petitioners herein are the 2nd, 3rd, and 6th defendants in the suit. The petitioners submit that the 'A' schedule property originally belonged to their paternal grandfather, the late Mr.Subramania Mudaliar. After his death intestate, he was survived by his wife, Ganambal, and his sons. The 1st defendant in the suit is one of the sons of the aforementioned Subramania Mudaliar. The legal heirs of Subramania

Mudaliar partitioned the property through a deed dated 23.09.1985. The share allotted to the 1st defendant is depicted as the 'A' schedule property in the suit. Even during his lifetime, the 1st defendant made alienations and arrangements in respect of the suit property. The document sought to be received by way of this petition pertains to certain arrangements regarding the suit property. Therefore, the petitioners, through this petition, seek to receive 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 submits that the suit property is ancestral in nature. The Will and settlement deed sought to be produced by the defendants are forged and fabricated documents. There are no pleadings in the written statement regarding the sale deed and settlement deed. Documents without pleadings cannot be received as evidence. The petitioners, through this petition, are attempting to fill the lacuna. If the petitioners had truly executed a Will or settlement deed, the original documents would be in their custody. Hence, the respondent prays for the dismissal of this petition.

4. Neither the petitioners nor the first respondent have placed any oral or documentary evidence before this Court. The Respondents 2 and 3 have endorsed 'no counter' to this petition.

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 their side. The petitioners submit that the said documents are vital for substantiating their case. On the other hand, the respondent/plaintiff object to this petition, contending that the documents sought to be received are beyond the pleadings of the petitioners, as no reference to them has been made in the written statement. This Court has

carefully considered the submissions advanced by both sides. Upon such consideration, this Court finds that the present petition merely seeks to place certain documents on record which the petitioners failed to file earlier. The validity, admissibility, and genuineness of those documents cannot be adjudicated at this juncture, as such issues are matters for determination during the course of trial. The mere reception of the documents into the record does not, by itself, confer any undue advantage upon the petitioners. The burden continues to rest upon the petitioners to establish the authenticity, relevance, and evidentiary value of the said documents through legally admissible evidence. The respondents, in turn, will have ample opportunity to cross-examine the petitioners and to raise all objections regarding the contents and validity of those documents at the appropriate stage. The learned counsel for the respondent/plaintiff has relied upon the decision of the Hon'ble Supreme Court in *Srinivas Ragavendra Rao Desai (Dead) by L.Rs. v. V. Kumar Vaman Rao @ Alok and Others*, 2024 INSC 165, to contend that in the absence of specific pleadings, evidence cannot be adduced. This Court has duly considered the said citation. However, as already observed, the objections of the respondents are matters to be considered at the time of marking and proving the documents, not at the stage of their mere reception.

6.2. 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:

6.3. 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”

6.4. 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).”

6.5. 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.

6.6. 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 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 28th day of October 2025.

DISTRICT MUNSIF,
PONNERI.

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,
PONNERI

Fair/ Draft Order
I.A.No.4/2025
O.S.No.125/2010
Date:28.10.2025
DMC,PNI