

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

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

Monday, the 16<sup>th</sup> day of February 2026.

**I.A. NO.17 OF 2026**

**in**

**O.S. NO.58 OF 2009**

G.Sargunam

..... Petitioner/1st Defendant

Versus

1. Selvi @ Selvanayagi

2. Balan @ Balakrishnan

3. Komalanathan (died)

4. K.Pangajavalli

5. K.Vimalanathan

6. K.Loganathan

7. K.Karthiyani

..... Respondents/Plaintiffs 1 to 7

8. Palanivel (died)

9. Vijaya @ Vijayalakshmi

10.P.Nithyanandam

..... Respondents/Defendants 2 to 4

This petition came on 12.02.2026 for final hearing before me in the presence of Mr.A.Devendran, Learned counsel appearing for the petitioner/1st Defendant and Mr.R.Rajesh Khanna, Learned counsel appearing for the Respondents/Plaintiffs. The Respondents 9 and 10 were already been set exparte in the suit, hence notice to them dispensed with in 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 Civil Procedure Code to receive the additional documents.

**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 suit. The documents detailed in the accompanying petition could not be filed at the time of filing the written statement in the above case as the same is misplaced by the petitioner. Hence the same could not be filed in time. The non filing of documents is neither wilful nor wanton but only due to above said reason. Hence this petition.

**3. Brief averments of the counter filed by the respondents/plaintiffs are as follows:**

The respondents are the plaintiffs in the suit. The petitioner/1st defendant not residing in the plaintiff's owned suit property at any point of time. The alleged petitioner/1st defendant created the alleged Document No.1 'B' memo issued by the Revenue Inspector Ponneri and not valid one. The Geniveness to be proved by the petitioner and government officials only. Hence the Document No.1 filed by the petitioner/1st defendant to be discarded and considered invalid in the evidence and not related to the suit properties. The petitioner/1st defendant filed the alleged Document No.2 is created by the petitioner. The Document No.2 is not related to the respondents/plaintiffs suit property. Therefore the alleged Document No.2 filed by the petitioner/1st defendant to be discard and invalid in the evidence. The documents 1 and 2 filed by the petitioner/1st defendant fabricated it to be prove by the petitioner/1st defendant. Hence the above petition is liable to be dismissed.

**4. Evidence:**

Neither the petitioner 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 have been perused. The present petition has been filed by the petitioner/1st defendant 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 respondents/plaintiffs objects to the petition. 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 respondent 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 16<sup>th</sup> day of February 2026.

DISTRICT MUNSIF,  
PONNERI.

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,  
PONNERI

Fair/ Draft Order  
I.A.No.17/2026  
O.S.No.58/2009  
Date:16.02.2026  
DMC,PNI