

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI
Present: Thiru V.ESHWAR, B.E., LL.B.,
DISTRICT MUNSIF, VANIYAMBADI

Dated this the 2nd day of September, 2025

I.A. No. 9 of 2025

in

I.A. No. 5 of 2024

in

I.A. No. 2 of 2024

in

O.S. No. 5 of 2024

1. Desiya Lorry Sumai Thukkum Tholilalargal Sangam, Vellore District,
represented by its President
2. P. Durai,
3. P. Balu,
4. M.Chinnavelu

... Petitioners/Defendants

-Vs-

1. S.M. Jameel Ahamed, Proprietor, M/s VMAR Roadways,
2. R. Vijayakumar

... Respondents/Plaintiff

This petition having been taken on file on 18.06.2025 and came before me for final hearing on 02.09.2025 in the presence of Mr.K.Ranjithkumar, Advocate for Petitioners and Mr. M.Mohamed Muzammil, Advocate for Respondents, after this petition having stood over under this court consideration and upon perusing the records and hearing the arguments, this court this day delivered the following:

ORDER

1. This petition, filed by the petitioners/defendants under Order VIII, Rule 1-A of the Code of Civil Procedure (CPC) read with Section 151 of CPC, seeks to condone the delay in filing and to accept two additional documents. The documents are a police complaint receipt (CSR No. 586/2024) dated December 14, 2024, and a report from the Tamil Nadu Fire and Rescue Services Department dated January 9, 2025.

Petitioners' Case in Brief:-

2. The petitioners state that they are the defendants in the main suit, O.S. No. 5 of 2024, which is currently in the advanced stage of trial. While they were preparing to present their witness and mark certain important documents, their trade union office was completely destroyed by a fire. This fire, which occurred on December 13, 2024, at approximately 10:00 p.m., originated from a nearby charcoal shop and spread to their office. As a result, several crucial documents, including a mini-book, income and expenditure ledgers, employee application forms, bank passbooks, attendance registers for nine workers, and other important documents, were lost in the fire.

3. The petitioners filed a police complaint regarding the fire, for which they were issued a CSR receipt bearing No. 586/2024. Additionally, they obtained a report from the Tamil Nadu Fire and Rescue Services Department detailing the items damaged in the fire. The petitioners contend that these documents—the police receipt and the fire department report—are essential for their case, which is a suit for a permanent injunction. They submit that the delay in filing these documents is not intentional but occurred because they only recently obtained them. They argue that if the court does not permit them to file these documents, they will suffer significant prejudice and irreparable loss.

Respondent's Counter in brief:-

4. The first respondent/plaintiff opposes the petition, arguing that it is not maintainable in law or on facts and is devoid of merit. The respondent denies all the averments made in the petitioners' affidavit, except for those specifically admitted.

5. The respondent asserts that the two documents sought to be filed are irrelevant to the current case and hold no evidentiary value. The respondent further contends that both the police CSR receipt and the fire department report are prima facie suspicious and their authenticity is questionable, and therefore, they should not be accepted by the court. It is argued that even if the documents

were considered relevant, their authors would need to be examined to prove their genuineness and to elicit the facts contained within them.

6. The respondent also points out a significant delay in filing the petition. While the police receipt and the fire report are dated December 14, 2024, and January 9, 2025, respectively, the present application was filed on June 18, 2025, almost six months later. The respondent claims that the petitioners have provided no satisfactory explanation for this substantial delay, which adds to the suspicion regarding the documents.

7. The respondent highlights that the police CSR receipt is merely a record of the complaint and has no evidentiary value on its own. Furthermore, the respondent raises doubts about the accuracy of the fire department report, noting that it was prepared 27 days after the incident, on January 9, 2025, and only after the petitioners' requisition dated December 25, 2024. The respondent submits that this delay in preparing the report creates apprehension about its genuineness. For these reasons, the respondent prays for the dismissal of the petition.

Points for Consideration:-

8. The sole point for consideration is whether this petition is to be allowed or not?

Discussion and Findings:-

9. This court has carefully considered the submissions of the learned counsel for the petitioners and the learned counsel for the respondent, the contents of the petition and the counter, as well as the documents on record.

10. The core of the matter lies in the petitioners' request to file two documents, a police complaint receipt and a fire department report, after a significant delay. The petitioners explain this delay by stating that the documents were lost in a fire and they only recently obtained them. The respondent vehemently opposes this, citing the long delay and questioning the authenticity and relevance of the documents.

11. Order VIII, Rule 1-A (3) of the CPC allows a defendant to produce a document that was not filed along with the written statement, with the court's permission. This provision is discretionary and the court must exercise this power judiciously, and only for special reasons. This is not a matter of right but is subject to the court's leave. The Hon'ble High Court of Judicature at Madras,

in the case of **Murugan v. Ayyanar (C.R.P.(PD)No.696 of 2015, dated 03.01.2018)**, held that a court must consider the entire provision of Order VIII, Rule 1-A, and not just sub-rule (3) in isolation. The court noted that a defendant has a duty to produce documents upon which his defense is based at the time of filing the written statement. While the court has the discretion to grant leave to file documents later, this power must be exercised with caution, particularly when there is a significant delay and a lack of proper explanation.

12. In the present case, the petitioners' states that the documents sought to be produced are a police CSR receipt and a fire department report. The petitioners' main contention is that these documents substantiate their claim that a fire occurred, which resulted in the loss of other important documents. This is a plausible explanation for not being able to produce the original documents previously. The police receipt and the fire report are dated December 14, 2024, and January 9, 2025, respectively. While the petition itself was filed on June 18, 2025, the petitioners have explained that they only recently obtained these documents. Given the circumstances of a fire accident, which is a Force Majeure event, some delay in obtaining official documents is understandable. The petitioners have explained that a fire broke out in their office and destroyed several documents which are crucial for their case. The documents they now

seek to produce are related to this fire incident. This provides a credible reason for the non-production of the documents earlier.

13. The respondent's contention regarding the authenticity and relevance of the documents is an issue of admissibility and evidentiary value. The genuineness of a document is to be tested during the trial, specifically at the time of cross-examination. As held in *Murugan v. Ayyanar (supra)*, the admissibility and relevancy of documents can be decided only at the time of marking them. The court cannot, at this preliminary stage, conclude that the documents are "suspicious" or "irrelevant." The respondent will have ample opportunity to question the authenticity of these documents, the circumstances under which they were obtained, and the delay in their production during cross-examination of the petitioners' witness. The argument that the documents must be proved by their authors is also an issue of trial procedure, not a ground for dismissing the application at this stage. It is up to the petitioners to decide how they will prove the documents.

14. The respondent has also argued that the police CSR is a simple reiteration of the complaint and holds no evidentiary value. This may be so, but the fire department report is a separate document which has to be examined on its own merits. The court must be careful not to reject evidence at a preliminary

stage without giving the petitioners an opportunity to prove their case. The primary purpose of Order VIII, Rule 1-A (3) is to avoid a party being unfairly prejudiced due to circumstances beyond their control. In this case, the fire is an external factor that has hindered the petitioners' ability to produce their documents earlier.

15. Furthermore, it is a well-established principle of law that courts should lean towards allowing parties to present all relevant evidence to ensure a fair and just resolution of the dispute. The petitioners are seeking to condone the delay in filing documents that they claim are crucial to their defense and whose absence is explained by a fire accident. While there is a delay in filing, the petitioners have provided an explanation. The court's primary duty is to ensure that justice is not sacrificed on the altar of technicalities.

16. Therefore, this court is of the opinion that the petitioners' request is reasonable and should be allowed. The delay, though significant, is sufficiently explained by the fire incident. The questions regarding the authenticity and evidentiary value of the documents can be addressed during the trial.

Result:-

17. In light of the foregoing discussion, the court finds that the petitioners have provided a plausible and justifiable reason for the delay in filing the documents. To ensure that both parties have an equal opportunity to present their respective cases and to arrive at a just decision, the petition must be allowed. The respondent will not be prejudiced as they retain the right to challenge the admissibility and genuineness of the documents during the trial. Accordingly, the petition is **allowed**.

18. The respondent is at liberty to raise any objections to the admissibility or evidentiary value of these documents during the trial, and the court will decide on such objections at the appropriate time.

19. No order as to any costs.

Typed directly on my official laptop, corrected by me, and pronounced in open court, this the 2nd day of September, 2025.

**DISTRICT MUNSIF,
VANIYAMBADI.**

ANNEXURE:

Petitioners side Witness: Nil
Petitioners side Documents: Nil

Respondents side evidence: Nil
Respondent side Documents: Nil

**DISTRICT MUNSIF,
VANIYAMBADI.**