

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI

Present: Thiru. V. ESHWAR, B.E.,LL.B.,
District Munsif, Vaniyambadi

Dated this the 11th day of August, 2025

I.A. No. 6 of 2025
in
O.S. No. 100 of 2003

J.S.T. Nallappa

... Petitioner/Defendant

Vs.

C. Mahendiran

... Respondent/Plaintiff

This petition coming on for final hearing before me on 11.08.2025 upon hearing the arguments of Mr. A.C. Devakumar, learned counsel for the Petitioner, and Thiru. K.Umar, learned counsel for the Respondent, and upon perusing the petition, the counter and all other material papers on record, this court doth pass the following:

ORDER

This petition has been filed by the petitioner/defendant under Section 151 and Order 8 Rule 1(3) of the Code of Civil Procedure, 1908, praying to permit the filing of two documents after a delay and to receive the same on file.

Brief Averments in the Petition:

2. The petitioner, who is the defendant in the main suit O.S. No. 100 of 2003, submits that the suit is currently posted for the petitioner's side of oral evidence. The petitioner states that certified copies of certain documents were recently obtained and were used to question the respondent/plaintiff during his cross-examination. While the respondent/plaintiff admitted to three documents, he specifically denied the two documents that are now sought to be filed with this petition. It is averred that this denial has made it necessary to formally file the documents. The petitioner contends that these documents are crucial for the proper adjudication of the case and that the delay in filing them was not intentional. It is further prayed that failure to allow these documents would result in a lack of proper justice and cause irreparable loss to the petitioner.

The documents sought to be filed are (i) A certified copy of the Will executed by James N. Selvadhas, dated 19.09.1984, (ii) A certified copy of the addendum and additional document to the Mary James Memorial Trust Deed, dated 27.03.2002.

Brief Averments in the Respondent's Counter:

3. The respondent/plaintiff has filed a counter statement vehemently opposing the petition. It is contended that the petition, seeking to file documents 22

years after the institution of the suit, is not maintainable and is liable to be rejected. The respondent asserts that the petitioner has failed to provide any valid reason for this inordinate delay. It is further stated that the documents in question are not necessary for the adjudication of the issues pending before this Court. The respondent prays for the dismissal of the petition with exemplary costs.

Point for Consideration:

4. The sole point for consideration in this petition is that “*Whether the petitioner/defendant should be permitted to file the aforementioned documents at this belated stage of the proceedings, and if so, on what terms?*”

Discussion and Findings:

5. This Court has carefully perused the petition, the counter and the case records. The suit, filed in 2003, is indeed old, and the proceedings are at the stage of the defendant's evidence. The primary objection raised by the respondent/plaintiff is the substantial delay of over two decades in bringing these documents before the Court.

6. The petitioner's explanation for the delay is that the necessity to formally file these documents arose only after the respondent/plaintiff denied them during

cross-examination. While a party is expected to file all documents on which they rely at the earliest possible stage, the Code of Civil Procedure also provides for the reception of documents at a later stage with the leave of the Court. The paramount duty of the Court is to render substantial justice, and procedural laws are intended to be the handmaidens of justice, not to thwart it.

7. The respondent's contention that the documents are not necessary for the case is a matter that can only be conclusively determined during the final appreciation of evidence. A preliminary view suggests that a Will and a Trust Deed addendum could potentially be relevant to the issues in dispute. To shut out these documents at the threshold without a compelling reason of mala fides or abuse of process may prejudice the petitioner's case and lead to an incomplete adjudication. The petitioner has stated that without these documents, he cannot get proper justice, which underscores their perceived importance to his defence.

8. However, the significant delay cannot be ignored. The petitioner ought to have been more diligent. The respondent has been made to face this application at a very late stage of the trial, which undoubtedly consumes time and resources. The laxity on the part of the petitioner warrants the imposition of costs to compensate the respondent for the inconvenience caused. The courts have consistently held that

in cases of procedural delays, where the possibility of prejudice can be compensated by costs, a litigant should not be deprived of the opportunity to present their case fully.

9. Considering the circumstances, particularly the petitioner's claim that the need for filing arose from the respondent's denial in the witness box, and to ensure that a just and fair decision is reached on the merits of the case, this Court is inclined to grant an opportunity to the petitioner, although on terms.

Result:

10. In the result, this Interlocutory Application is **allowed**, subject to the condition that the petitioner/defendant shall pay a sum of ₹500/- (Rupees Five Hundred only) as costs to the respondent/plaintiff.

11. Upon payment of the said costs, the documents listed in the petition shall be received on file. The petition is disposed of accordingly.

Typed directly on my official laptop, corrected, and pronounced by me in the Open Court, this the 11th day of August, 2025.

**DISTRICT MUNSIF,
VANIYAMBADI.**

ANNEXURE

Both side Witnesses Examined: Nil

Both side Documents Marked: Nil

**DISTRICT MUNSIF,
VANIYAMBADI.**