

**IN THE COURT OF I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE, VELLORE DISTRICT.**

PRESENT: Tmt. G. Santhi,

I Additional District and Sessions Judge,
Vellore.

On Tuesday, the 2nd day of June, 2026

IA. No.8/2026 IN O.S.No.156/2019

1. Anju Nahar
2. Akshay Nahar
3. Thansingh Nahar

... Petitioners/ Defendants 1,2 & 3

-Vs-

M.G.Nakeeran

... Respondent / Plaintiff

The petition came up for final hearing before this Court on 02.06.2026 in the presence of Thiru. S.Varadan, Advocate for the petitioners and Tmt.R.Aparna, Advocate for the Respondent and upon perusing the case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

The Petitioners filed this petition under Order VIII Rule 1A(3) of CPC to grant leave to the defendants under Order VIII 1A(3) of the Code of Civil Procedure to receive the additional documents filed along with this petition as part of the defendant's evidence in O.S.No.156 of 2019 in the interest of justice and thus render justice.

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

The 2nd petitioner is the 2nd defendant and the petitioners 1 and 3 are his parents. The 1st respondent/plaintiff has filed the suit seeking declaration, permanent injunction and other consequential reliefs in respect of the suit property. The petitioners have filed their written statement and contested the suit.

The plaintiff has completed his evidence and the suit is now posted for the defendants' evidence. The petitioners seek to produce certain original parent title deeds and connected documents relating to the suit property. According to them, these documents are necessary to establish their title, possession and other aspects of their defence. The documents could not be filed earlier as they required tracing, verification and arrangement from old records.

The petitioners submit that reception of the additional documents is necessary for proper adjudication of the suit and that no prejudice will be caused to the plaintiff, as he will have an opportunity to cross-examine the defendants regarding the documents. Hence, the present petition has been filed bonafide and in the interest of justice.

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

The 1st respondent/plaintiff denied the allegations made in the petition

affidavit. He contended that the additional documents sought to be produced are not relevant to the issues involved in the suit. According to him, the Income Tax Returns relate only to the assessment years 2015-2016 and 2016-2017 and do not specifically disclose any income from the suit property. He further submitted that the patta, chitta and property tax receipts were obtained after the filing of the suit and are self-serving documents.

The plaintiff stated that none of the documents produced by the defendants establish their possession and enjoyment of the suit property from the date of the alleged purchase. He further contended that the original title deeds were handed over only for the purpose of creating a mortgage and not for executing a sale deed. According to him, the documents relied upon by the defendants do not support their claim regarding the sale transaction. The plaintiff therefore opposed the reception of the additional documents, contending that their marking would cause prejudice to his case. Hence, he prayed for dismissal of the petition.

4. The point is to be decided that,

Whether the additional petition mentioned documents must be received or not?

6. Both side arguments heard. Records perused.

POINT:

7. Upon perusal of the records, it is seen that the suit is now at the stage

of defendants' evidence. The petitioners seek to produce certain additional documents relating to the suit schedule property. According to the petitioners, the documents are necessary for establishing their defence and for proper adjudication of the issues involved in the suit.

8. Though the respondent/plaintiff has opposed the petition on the ground that the documents are irrelevant and self-serving, the relevancy, admissibility and evidentiary value of the documents are matters to be considered at the time of trial. The respondent will have adequate opportunity to cross-examine the witnesses and raise objections regarding the documents.

9. Considering that the suit is still at the evidence stage and the documents may help the Court decide the case properly, this Court is inclined to receive the documents. However, since the petitioners have produced the documents at a belated stage, they shall pay costs to the respondent.

As a result, this petition is allowed on payment of costs of Rs.500/- to the respondent/plaintiff.

Dictated by me to the Steno-typist, typed by her in computer directly, corrected and pronounced by me in the Open Court, this the 2nd day of June 2026.

I Additional District and Sessions Judge,
Vellore.

Draft/Fair IA Order

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Dt.02.06.2026