

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**
District Munsif,
Gudiyattam.

Friday, this the 07th day of November 2025

I.A. 02/2025
in
O.S.No. 25/2021

S. Selvam Petitioner/ Defendant

// Versus //

B. Rajarathinam Respondent/ Plaintiff

This petition came up on 13.10.2025 before me for final hearing in the presence of Thiru.K.M.Boopathi, Advocate for Petitioner and Thiru.J.Arumugam, 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

Petition filed under Order 8, Rule 1A and Section 151 of Code of Civil Procedure to excuse the delay that occurred in filing the schedule mentioned documents and to receive the same.

1. The averments of the petitioner in the application:-

The petitioner submit that the respondent herein has filed the above said suit for mandatory injunction against him and the same was posted for further evidence of defendant side. Infact at the time of filing the plaint, the petitioner could not file the petition mentioned documents due to some

inadvertent reasons. Now only the petitioner obtained those documents and filing the same along with this application immediately. The petition mentioned documents are necessary to the present suit. The delay in filing of the said documents is neither willful nor wanton. There is no willful default on the part of his side. Hence the petitioner filing this application to excuse the delay that occurred in filing the petition mentioned documents and receive the same to render justice. Otherwise the petitioner would put to great hardship and loss. If the petition is allowed, there is no prejudice will be caused to the respondents.

2. The averments of the counter filed by the respondent:-

The respondent/plaintiff contends that the petition lacks a valid and sufficient reason for the delay. The reasons provided are irrelevant and do not justify the failure to file these documents in a timely manner. Furthermore, the documents listed at serial numbers 1 to 5 are certified copies, not the original documents. The petitioner has failed to provide any explanation for the non-availability of the original documents, which is a prerequisite for seeking to admit certified copies as evidence. The respondent/plaintiff specifically raises a serious objection regarding the authenticity of the documents. It is submitted that the Town Survey Register Extract (Serial No.5) appears to be a fabricated document. In addition, the Business Tax Receipt (Serial No.6), Water Tax Receipt (Serial No.7), and Property Tax Receipt (Serial No.8) are also believed to be fabricated. As per the provisions of the Indian Evidence Act, specifically Sections 60 to 63, it is the original documents that are admissible as primary evidence. Certified copies can only be admitted under specific circumstances, such as when the originals are lost or destroyed, and the

party must provide a proper explanation. The petitioner has not satisfied these legal requirements. Moreover, under Section 57(5) of the Registration Act, certified copies can be admitted, but this is subject to the court's discretion and a proper legal foundation, which has not been established in this petition. The certified copies filed by the petitioner/defendant have not been compared with the originals by this court, and the petitioner has not explained the whereabouts or non-availability of the originals. For these reasons, the documents filed by the petitioner/defendant are inadmissible and should not be marked as evidence on the defendants behalf. Hence pleased to dismiss the petition.

3. Both side enquiry heard.

4. Point for consideration:-

Whether this application is liable to be allowed ?

5. Evidence:-

Neither of the parties to this application have adduced any oral or documentary evidence.

6. Discussion:-

On considering the submissions made by the both counsels and perusing the available records this court delineate and proceeds its findings based on the following discussion.

6.1. The petitioner is the defendant in the suit. While the suit pending for defendant side evidence. The petitioner filed the present petition and seeking permission to receive the mentioned documents. The

respondent filed counter stating that the documents Serial No.1 to 5 are certified copies and the petitioner failed to provide explanation for non availability of original documents and further objected that serial No.5 to 6 documents are believed to be fabricated.

6.2. On perusing that the documents filed by the petitioners are certified copies and original tax receipts. The present petition is filed only to received the documents. Hence the objections of the respondents regarding the nature of those documents are not considerable at this stage. Those objections has to be raised at the time of marking. Hence their is no sufficient cause for disallow the petition. On considering the nature of suit and stage of case, this court thinks necessary opportunity should be given to parties for adduce their case. Hence this court inclined to allow this petition.

7. Result:-

As a result this petition is allowed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 07th day of November 2025.

**District Munsif,
Gudiyattam.**

Petitioner side Witnesses and Exhibits :- Nil
Respondent side Witnesses and Exhibits :- Nil

**District Munsif,
Gudiyattam.**