

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

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

Thursday, this the 30th day of April 2026

I.A. 02/2026
in
O.S.No.149/2021

1. Kamalanathan
2. Sundaramoorthy
3. Settuammal
4. Yesodha
5. Muniyammal
6. Hemalatha

.... Petitioners/ Defendants

// Versus //

Thamaraiselvan

.... Respondent/ Plaintiff

This petition came up on 09.04.2026 before me for final hearing in the presence of Thiru.S.Santhakumar, Advocate for Petitioner and Thiru.A.Kumar, 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(3) and Section 151 of Code of Civil Procedure to condone the delay in filing the petition mentioned documents and the same may be received and pass such other orders.

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

The petitioner stated that those documents could not be filed along with the written statement. Now only the petitioners get the documents. The said documents are very important to decide the matter in issue. The delay in filing the documents is neither willful nor wanton hence pleaded to receive the petition mentioned documents by excusing the delay.

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

The respondent stating that the petitioner wantonly and intentionally failed to file the same in the above suit. The petitioner only with intent to drag on the proceedings filed this present application. There is no valid reason and sufficient reason for non filing of petition mentioned documents. The petition mentioned documents are no way related to the present suit hence prayed to dismiss the petition.

3. Both side failed to submit their side enquiry.

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 perusing the available records this court delineate and proceeds its findings based on the following discussion.

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6.1. The petitioners are the defendants in the main suit. The respondent filed suit against the petitioners for partition. While the suit posted for further defendant side evidence on 23.02.2026, then the petitioners filed the present petition for receiving additional documents. In the petition the petitioner stated that those documents could not be filed along with the written statement. Now only the petitioners get the documents. The said documents are very important to decide the matter in issue. The delay in filing the documents is neither willful nor wanton hence pleaded to receive the petition mentioned documents by excusing the delay.

6.2. Per contra the respondent filed counter stating that the petitioner wantonly and intentionally failed to file the same in the above suit. The petitioner only with intent to drag on the proceedings filed this present application. There is no valid reason and sufficient reason for non filing of petition mentioned documents. The petition mentioned documents are no way related to the present suit hence prayed to dismiss the petition.

6.3. On perusing the present petition the petitioners stated that for proving their case the proposed documents are relevant one, but on the other side the respondent denied the documents nature and its relevancy. The objections raised by the respondent will be considered at the time of marking of documents. The reasons stated by the petitioners are accepted the counter filed by the respondent is formal one. As per the judgment in Jayarathinam Vs. Samuel Nickson 2023(4) Law Weekly 685 the objections regarding the document will be considered at the time of evidence. Hence there is no sufficient cause for disallow the petition. On considering the

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nature of the suit and relationship between the parties this court thinks necessary opportunity should be given to parties for adduce evidence to prove 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 30th day of April 2026.

Sd/- K.Karthick Asath,
District Munsif,
Gudiyattam.

Petitioner side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

Sd/- K.Karthick Asath,
District Munsif,
Gudiyattam.

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