

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

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

Monday, this the 01st day of June 2026

I.A. 05/2026
in
O.S.No.143/2015

1. Suguna @ Sugumar
2. Jayakumar Iyer (died)
3. Hemalatha
4. Saranya

.... Petitioners/ Defendants

// Versus //

M.D.Dhanasekaran

.... Respondent/ Plaintiff

This petition came up on 29.04.2026 before me for final hearing in the presence of Thiru.T.Ravendar Raju, Advocate for the Petitioners and Thiru.K.M.Boopathi, 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 grant leave to the petitioner/1st defendant to file the below-mentioned documents and take the documents on record in the interest of justice and pass necessary order.

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

The petitioners stated that the documents sought to be filed are material and relevant to the case. Due to oversight could not be filed earlier along with the written statement hence prayed to receive the petition mentioned documents by excusing the delay. The non filing of the documents earlier was neither intentional nor deliberate but due to oversight.

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

The respondent stating that suit filed in the year 2015 after all these years only to harass the respondents the present petition is filed with false allegation. Those documents are unwanted and no way related to the present suit. In order to drag on the proceedings and harass this respondent filed this present application. Hence prayed 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 perusing the available records and considering the submissions 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 respondents filed suit for permanent injunction against the petitioners. While the suit posted for further defendants side evidence on 18.04.2026, then the petitioners filed the present petition for receiving additional documents. In the petition the petitioners stated that the documents sought to be filed are material and relevant to the case. Due to oversight could not be filed earlier along with the written statement hence prayed to receive the petition mentioned documents by excusing the delay.

6.2. Per contra the respondents filed counter stating that suit filed in the year 2015 after all these years only to harass the respondents the present petition is filed with false allegation. Those documents are unwanted and no way related to the present suit. In order to drag on the proceedings and harass this respondent filed this present application. Hence prayed to dismiss the petition.

6.3. On perusing the available records this suit posted for further defendants side evidence on 18.04.2026 at that time the petitioner filed this present petition to receive the additional documents. On perusal those documents are legal notice dated 24.05.1972 and receipt dated 24.05.1984. The respondents objected that those documents are irrelevant and unwanted to the suit, those objections will be considered at the time of marking. Those documents can be received subject to proof and relevancy. The petitioners only produced those 1972 and 1984 documents after 11 years from the date of filing of the suit has to be considered. On considering the circumstances this court rely upon the judgment passed by our Hon'ble

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High Court of Madras in 2024(1) MWN (CIVIL) 610. On perusing the above judgment it is specified that where new evidence becomes available or when circumstances arise that warrant further examination, even after closure of evidence the trial court ought to have allowed applications in interest of justice and fair adjudication. On considering the above precedent the petitioner at present produced number of documents to elucidate their side case. This court thinks that necessary opportunity should be given to parties for adduce evidence to prove their case and for avoid multiplicity of proceedings. The petitioners stated that due to oversight those documents are not produced along with the written statement but the reasons are not sufficient to condone the delay of nearly 11 years is not sustainable. On considering the delay in producing those documents this court thinks cost to be imposed on interest of justice. Hence this court inclined to allow this petition on cost.

7. Result:-

As a result this petition is allowed on condition to pay cost Rs.1000/- to the respondent on or before next hearing.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 01st day of June 2026.

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

District Munsif, Gudiyattam.

Petitioners side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

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

District Munsif, Gudiyattam.