

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

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

Wednesday, this the 29<sup>th</sup> day of October 2025

**I.A. 02/2025**  
**in**  
**O.S.No. 205/2015**

1. Vasantha  
2. Panneerselvam  
3. Thilaga  
4. Sampath Rani  
5. Murugan

.... Petitioners / Defendants

// Versus //

Kirubakaran

.... Respondent/ Plaintiff

This petition came up on 15.10.2025 before me for final hearing in the presence of Thiru.K.M.Boopathi, Advocate for Petitioners and Thiru.S.Gunasekaran, 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 documents mentioned in petition and receive the same and pass necessary order.

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

The petitioner submit that the respondent/plaintiff has filed the above suit for partition against the petitioners/defendants. Now the above said suit was posted for our side evidence and at the time of filing of the written statement the petitioner could not file the petition mentioned document due to his unawareness and also by mistake and over sight. Non only the petitioner came to know that he have to file these documents which are related to this suit. The delay in filing the documents is neither willful nor wanton and there is no willful default on the part of his side. The said documents are necessary to prove his case. Hence the petitioner filing the present application to condone the delay in filing the petition mentioned documents and receive and mark the same on his side. It the petition is allowed there is no prejudice will be caused to other side. It the petition is not allowed the petitioner will be put to great loss and hardship.

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

The respondent submits that the documents mentioned in the petition are not related to the defendants. The online generated patta and encumbrance certificate cannot be received as they are secondary evidence and they should be received in accordance with the provisions of Section 65-B of B.S.A. Act (Indian Evidence Act). Hence this petition is liable to be dismissed. The document mentioned in the list Nos.1 to 5 cannot be received as they are invalid documents. The documents mentioned in the petition Nos.1 to 5 are created after filing of this suit. Hence they are invalid documents. Hence those documents cannot be received and cannot

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be marked. Hence this petition is liable to be dismissed in limini. There are no merits or bonafide in this petition is liable to be dismissed in limini. This respondent, therefore, prays that this Hon'ble court may be pleased to dismiss the petition with cost.

**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.

The petitioner is the 5<sup>th</sup> defendant in the suit. While the suit pending for defendant side evidence. The petitioner filed the present petition and seeking permission to receive the documents. On perusing the counter the respondent denied to receive the documents based on the nature of documents alone. Those objections has to be raised at the time of marking of documents. Hence their is no strong objection to 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 documents to prove their case. Hence this court inclined to allow this petition.

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**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 29<sup>th</sup> day of October 2025.

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Gudiyattam.**

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

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

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Gudiyattam.**

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