

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
(J.O.Code - TN02266)
DISTRICT MUNSIF, KATPADI.**

Wednesday, this the 5th Day of February – 2025

**I.A.No. 03 of 2024
In
O.S.No. 47 of 2019
(CNR.No.TNVL23-000119-2019)**

Rajagopal

.....Petitioner/Defendant

-Vs-

Palani

.....Respondent/Plaintiff

This petition has come up today before this Court for orders, upon hearing the arguments of Thiru. R.Rajendiran, the Counsel for the Petitioner, and Respondent was called absent and set Ex-parte on 19.11.2024, and upon perusing the petition and the entire case records, and having stood before this court for consideration till this date, this court delivers the following:-

ORDER

This petition has been filed by the petitioner under Order 8 Rule 1A(3) of Civil Procedure Code, to condone the delay in filing of Additional documents mentioned in the petition and to receive the same.

Records perused. This petition has been filed by the Petitioner/defendant to receive the petition mentioned documents by condone the delay in filing the same. Notice given to Respondent/Plaintiff but even after providing sufficient

times, he failed to file counter and he was set aside. In the petition affidavit, the Petitioner/Defendant himself admitted that the petition mentioned online copy of documents not available at the time of filing Written Statement and after issues framed, and he got recently, and those are vital to prove his side. Before parting with order, it is useful to refer the provisions of Order 8 Rule 1A CPC which obligates the Defendant to produce document upon which he has relied upon at the time of presentation of the Written statement, and if not produced at that stage, then such a document can be received in evidence only with the leave of the Court and not otherwise.

Admittedly, the Petitioner/Defendant has not produced the petition mentioned online copy of documents at the time of presentation of the Written Statement, and not listed as documents. The said proposed documents are online patta. One is stands in the name of Petitioner/Defendant in respect of S.No.315/5 which is morefully connected to the suit 3rd item of schedule mentioned property and there is a clear pleading in that regard, but another one online copy of patta stands in the name of Defendant's son Mathivanan in respect of S.No.282/10A which is not way connected to the anyone of the suit property mentioned S.Nos' and there was no pleadings in respect of the same. The said facts are being so, the Petitioner/Defendant has filed this petition mentioned 2nd document in evidence which is not pleaded nowhere in the Written Statement.

It is well settled Principle that in the absence of pleadings, any amount of evidence, will not help the party. In this connection this Court wants to bank the full Bench Judgment of out Hon'ble Supreme Court of India, in the case of Biraji @ Brijrahai & Another Vs. Surya Pratap and others, reported in 2020 (8) MLJ 266 (SC), wherein reiterated its stance on the fact that if a pleading has not been made by the party, no amount of evidence produced later in a Civil Suit will help.

From the light of the above Judgment and Provisions, this Court is inclined to receive the petition mentioned 1st list of document which stands in the name of Defendant alone, and the petition mentioned 2nd list of document which stands in the name of Defendant's Son Mathivanan cannot be received as Additional documents on the Petitioner/Defendant side as no pleadings. In fine, in the interest of Justice, this petition is partly allowed. No costs.

Pronounced by me in the open court, this the 5th day of February 2025.

(Sd/-).. K.Venkatesan
DISTRICT MUNSIF
KATPADI