

In the Court of the Principal District Judge, Villupuram

Present : Thiru.A. Manimozhi, B.A., LL.B.,
Principal District Judge, Villupuram.

Monday, the 2nd day of March 2026

I.A. No.15/2025
in
O.S. No.118/2021

...

Vijayalakshmi

... Petitioner /
Defendant

/Vs/

Ragunathan

... Respondent /
Plaintiff

This Petition is coming on 29.01.2026 before me for final hearing in the presence of Tr.T.Prabakaran, Advocate for the Petitioner and of Tr.D.Sankaran, Advocate for the Respondent; and upon hearing the arguments of both side and on perusing the records and having stood over for consideration till this day, this court passed the following...

ORDER

The Petitioner/Defendant filed this petition under Order 8 Rule 1(3) A of CPC., seeking an order to receive the documents mentioned in the

petition on her side in the above suit.

2) The case of Petitioner is that, the Respondent/Plaintiff filed the above suit for recovery of loan on the basis of false and fabricated document. The documents enclosed with this petition are very relevant to prove the defence of the Petitioner. She could not file the documents in time due to unavoidable reasons. Unless the delay is condoned and the documents are received in evidence, she would be put to undue hardship. Hence, this petition.

3) The objection raised by the Respondent in the Counter statement is that, the suit is of the year 2021. The Petitioner has not stated any proper reason for not producing the documents earlier. The proposed documents are not related to the present suit., The petition is filed only to drag on the proceedings. Document No.4 is not at all executed by the Respondent. Hence, the petition is liable to be dismissed.

4) No witness was examined and no document was marked on either side in the enquiry.

5) Heard arguments on both sides and perused the records.

6) The point for consideration is :-

Whether the Petitioner has shown proper reason for the delay in filing the documents and whether this petition has to be allowed?

7) Answer to the Point :-

a) The learned counsels appearing on either side advanced their arguments in the same line with the affidavits of the petition and counter statement, respectively. The main objection raised by the Respondent is that the documents listed in the petition have no relevancy to the present suit, and therefore there is no necessity to receive the same on file.

b) The Respondent as Plaintiff filed the above suit for recovery of loan on the basis of agreement of acknowledgment of debt purportedly executed by the Petitioner on 12.02.2020. The Petitioner filed the written statement, issues were framed, trial commenced, PW1 to PW3 were examined and Ex.A1 to Ex.A4 were marked on the Plaintiff side and now the suit stands posted for Defendant's side evidence.

c) At this stage, the Defendant (Petitioner herein) filed the present petition. The Petitioner seeks permission to file 4 documents. Document

No.1 is dated 29.10.2020, the sale deed executed by the Petitioner in favour of the mother-in-law of the Respondent. Document No.2 dated 01.07.2020 is the sale agreement entered into between the Petitioner's father and Respondent's mother-in-law. Document No.3 dated 20.02.2020 is an agreement of sale entered into between the Petitioner's brother and Respondent's mother-in-law. Document No.4 is stated to be the receipts executed by the Respondent to the Petitioner's father regarding the money transactions. They are stated to be dated 01.07.2020, 17.09.2020 and 30.10.2020.

d) The main defence of the Petitioner in the above suit is that, she did not borrow any amount from the Respondent and she did not execute the suit agreement. Her father and younger brother had borrowed loan from the Respondent and at that time they executed sale agreement in favour of the mother-in-law of the Respondent on compulsion. Subsequently, the sale agreement was cancelled on 29.10.2010 and the mother-in-law of the Respondent obtained the sale deed and also another sale deed in the name of his wife. The Petitioner has signed as an attestor in the cancellation deed. Her signature was forged by using the signature

found in the said document. So, according to the Petitioner, the documents enclosed with this petition are very-much relevant to prove her defence.

e) Under Order 8 Rule 1 (3) of CPC. a Defendant has to produce documents in his possession in support of his defence along with the written statement. However, the Court has discretion to receive the documents at a later stage, if sufficient cause is shown. In the present case, the Petitioner has stated that the documents are relevant to establish her defence. The Respondent has not seriously disputed about the document Nos.1 to 3. He has disputed only Document No.4, the receipts and stated that the said document has no relevance.

f) On perusal of the affidavit, counter statement and the nature of the documents and the relationship between the executants and the parties to the suit, this Court is of the view that the said document appear to be relevant for deciding the real controversy between the parties. The suit is still at the stage of Defendant side evidence and no irreparable prejudice would be caused to the Respondent, as opportunity would be given to him to rebut the said documents during trial. Mere delay cannot be a ground to shut out material evidence, when the documents are necessary for proper

adjudication.

g) It is settled proposition that the parties to the suit shall be given sufficient opportunity to produce all available evidence in support of their case. If any objection is raised on a particular document by the other side, the procedure is the document could be received in evidence subject to objection, proof and relevancy and the issue of admissibility in evidence could be decided at the time of final disposal of the suit.

h) Therefore, this Court is of the view that, the Petitioner has shown sufficient reason in seeking permission to produce the documents and that she is entitled to produce the documents on her side, and as such this petition has to be allowed in the interest of justice. The point is answered accordingly.

RESULT :

In the result,

- i)** This Interlocutory Application is allowed.
- ii)** The Petitioner/Defendant is permitted to file the Additional documents listed in the petition.
- iii)** The documents shall be received subject to objection, proof and

relevancy.

iv) There is no order as to cost.

Order dictated by me to the Stenographer, transcribed by her in the Computer, corrected and pronounced by me, in the open court, this 2nd day of March 2026.

**Principal District Judge,
Villupuram.**

List of witness examined and document
marked on the side of the Petitioner :-

- Nil -

List of witness examined and document
marked on the side of the Respondents :-

- Nil -

sd/- A.M
**P.D.J,
VPM.**

Draft / Fair Order :
I.A.No.15/2025 in
O.S.No.118/2021
Dated: 02.03.2026.