

IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM

Present: **Thiru. L.PRAKASH, B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Wednesday, the 04th day of February 2026

I.A. No. 02 of 2026
in
O.S. No. 97 of 2015
(C.N.R. No. TNNS030 - 00124 - 2015)

1. R. Dharmalingam (Since Deceased)
2. D. Periyasamy (Since Deceased)
3. D. Arumugham
4. D. Siva
5. D. Viyakrishnan
6. Prakasavalli
7. Vimal
8. Rajendran
9. Venkatesha Rao

... Petitioners/Plaintiffs

/VS/

1. Sasikala
2. The Commissioner,
Ootacamund Municipality.

... Respondent/1st Defendant

... Respondent/2nd Defendant

This petition came on 02.02.2026 for final hearing before me in the presence of Mr. K. Anandakrishnan, learned Counsel for the Petitioners/Plaintiffs and of Mrs. K. Menega, learned Counsel appearing for the 2nd Respondent/Defendant No. 2 and the 1st Respondent/Defendant No. 1 remains exparte, upon

hearing both sides, and upon considering case records carefully, this court passes the following:

ORDER

1. This petition is filed under Order VII Rule 14(3) R/w Section 151 of the Code of Civil Procedure, praying to grant leave and condone the delay to file the documents that could not be filed along with the plaint for proper prosecution of the suit.

Gist of petition and affidavit:

2. The petitioners state that, they filed the above suit and submitted 12 documents along with the plaint in support of their case, since there are more than 9 plaintiffs, some documents were shuffled with other documents and could not be traced at the time of filing the suit. The detailed documents were found only recently, the delay is neither wanton or deliberate but beyond our control, the documents are relevant and vital to the case, if the delay is not condoned and the documents are not marked, he will be put to great hardship. Hence prays to allow this petition.

Gist of Counter statement of 2nd Respondent:

3. The 2nd respondent/defendant filed a detailed Counter opposing the petition, it is contended that, the petition is not maintainable, as the suit is of the year 2015 and the petitioners had sufficient opportunity to file the documents and no valid reason has been showed for the belated filing, the petitioners have neither explained the nature of the documents nor shown their relevance or necessity for deciding the real issues in the suit, the alleged delay reasons are vague and do not sufficient cause, the petition has been filed only to fill up lacunae and to delay the proceedings. Further, allowing the petition at this stage would cause serious prejudice to the 2nd respondent Municipality, therefore the petitioners are not entitled to the relief sought.

Hence, prays to dismiss the petition.

4. Since the 1st respondent not filed counter statement even after sufficient time is given, the 1st respondent was set exparte on 30.01.2026. Hence there is no contest on the 1st respondent for this petition.

Point for Consideration:

5. Heard both sides, petition, counter statement of 2nd respondent and case records perused carefully. The Points for Consideration in this petition are that, 1. Whether the petitioners have shown sufficient cause for not producing the documents along with the plaint? 2. Whether the documents sought to be produced are necessary for proper adjudication of the issues in the suit? 3. Whether the delay in filing the documents is liable to be condoned?

Discussion:

6. The present petition is filed by the petitioners seeking leave of the Court to receive certain documents and to condone the delay in filing the same. The petitioners state that the affidavit is sworn on behalf of all the plaintiffs, who are relatives. According to them, though the suit was filed along with several documents, some vital documents could not be filed at the time of institution of the suit.

7. It is stated that there are more than nine plaintiffs in the suit and during the process of collecting and compiling records, certain documents were shuffled with other papers and could not be traced at the time of filing. The said documents have been traced only now. The delay in filing the documents is stated to be neither wanton nor deliberate, but due to circumstances beyond the control of the petitioners.

8. The petitioners further submit that the documents sought to be produced are highly relevant and necessary for effective adjudication of the issues involved in the suit. If the delay is not condoned and the documents are not received, the petitioners would be put to serious hardship which cannot be compensated in any manner. Hence, the petitioners pray for leave to file the documents and to condone the delay in the interest of justice and fair trial.

9. The 2nd respondent opposes the petition contending that the suit is of an old year and the petition is filed belatedly with the intention to fill up lacunae in the plaintiffs' case. It is contended that no valid or sufficient reason is assigned for the delay in filing the documents. According to the respondent, the explanation that the documents were mixed up is vague and not acceptable. It is further contended that receiving the documents at this stage would prejudice the respondent and protract the proceedings. Hence, the respondent seeks dismissal of the petition.

10. It is not in dispute that the suit has already been instituted and the present petition is for reception of additional documents at a later stage. Under Order VII Rule 14(3) CPC and Order XIII Rule 1 CPC, the Court has discretion to receive documents not produced along with the plaint, subject to sufficient cause being shown. The Court also has inherent powers under Section 151 CPC to permit production of documents in order to meet the ends of justice.

11. On perusal of the records, it is seen that the original suit was filed in the year 2015 and the same has been pending for a long time for trial. The delay in progress of the suit appears to be on account of pendency of a commission petition and also due to the necessity of impleading the legal heirs of the deceased 1st plaintiff and 2nd plaintiff. Thus, the pendency of the suit for a long period cannot be solely attributed to the present petitioners.

12. The reason assigned by the petitioners is that since there are multiple plaintiffs, the documents were mixed up with other records and could not be traced at the time of filing of the suit and were found only subsequently. Though the explanation may not be very elaborate, there is nothing on record to show that the delay is wilful or mala fide. The law is well settled that procedural rules are handmaids of justice and should not be applied in a manner that defeats substantive rights.

13. In the case of *The Collector, Land Acquisition, Anantnag v. Mst. Katiji* (1987) 2 SCC 107, the Hon'ble Supreme Court held that a liberal approach should be adopted in matters of condonation of delay so as to advance substantial justice. Further, In the case of *Kailash v. Nanhku* (2005) 4 SCC 480, it was observed by the Honourable Supreme Court of India, that procedural provisions are meant to advance justice and not to thwart it. In *Sugandhi (Dead) by LRs v. P. Rajkumar* (2020) 10 SCC 706, the Supreme Court reiterated that hyper-technical approach should be avoided when no serious prejudice is caused to the opposite party and when the documents are relevant for proper adjudication.

14. In the present case, the documents sought to be produced include revenue records, legal heir certificate, death certificate, municipal proceedings and tax receipts. Prima facie, these documents appear to be relevant to the subject matter of the suit. The respondent will have full opportunity to object to the admissibility and proof of these documents during trial. Mere reception of documents does not amount to proof.

15. No irreparable prejudice is shown to be caused to the respondent which cannot be compensated by granting opportunity to meet the documents. On the other hand, refusal to receive relevant documents may result in failure of justice. Hence,

this court inclines to allow this petition, however, this court finds it just and necessary to impose a reasonable cost on the petitioner for causing delay in the proceedings by filing this petition in a belated manner.

Result:

16. In the result, this petition will be allowed on payment of Rs.500/- (Rupees Five Hundred only) as cost to the 2nd Respondent/2nd Defendant on or before 06.02.2026. On compliance of the above condition, the petitioners are granted leave to produce the documents mentioned in the petition. The documents shall be received, subject to proof, relevancy and admissibility, and subject to the right of the respondent to raise objections at the appropriate stage. The petitioners are further directed to proceed the suit without any further delay.

17. For compliance call on 06.02.2026.

This order is dictated by me to the steno typist, transcribed by her, corrected and pronounced by me in the open court on this the 04th day of February 2026.

**District Munsif,
Udhagamandalam**

Draft/ Fair Order:

**I.A. No. 02/2026
in
O.S. No. 97/2015**

Dated: **04.02.2026**

**District Munsif,
Udhagamandalam.**