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C.R.P.Nos.423 and 437 of 2024
and C.M.P.No.2096 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2026

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.Nos.423 and 437 of 2024
and
C.M.P.No.2096 of 2024

1.J.Jeevarathinam

2.J.Gnanasekaran

... Petitioners (in both CRPs)

vs.

M.Murali

... Respondent (in both CRPs)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the fair order and decreetal orders dated 26.09.2023 made in I.A.Nos.1 and 2 of 2022 in O.S.No.206 of 2017, by the Additional Sub Judge at Ponneri.

For Petitioners : Mr.E.Prabu
(in both CRPs)

For Respondent : Mr.N.Umapathi
(in both CRPs)



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COMMON ORDER

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C.R.P.No.423 of 2024 has been filed seeking to set aside the order dated 26.09.2023, passed by the Additional Sub Court at Ponneri in I.A.No.2 of 2022 in O.S.No.206 of 2017. I.A.No.2 of 2022 was filed by the petitioners seeking to impound the instrument which is a sale letter dated 14.07.2003, pertaining to the suit schedule property, by sending it to the Sub Collector/Revenue Divisional Officer, so as to collect stamp duty and penalty as per law.

2. CRP.No.437/2024 has been filed challenging the impugned order dated 26.09.2023, passed by the Additional Sub Court, Ponneri in I.A.No.1 of 2002, in O.S.No.206 of 2017. I.A.No.1 of 2022 was filed by the petitioner before the Trial Court seeking to condone the delay in filing the documents on behalf of the petitioners/defendants.

3. Since both the applications have been dismissed and the suit is one and the same, these Civil Revision Petitions are disposed of by a common order.



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4. The petitioners are the defendants in the suit. The respondent is the plaintiff. The suit was filed for recovery of possession and for permanent injunction. In both the Interlocutory Applications, the reason given by the petitioners for not filing the documents along with the written statement is that the documents were misplaced by the counsel. The Trial Court under the impugned order has rejected the reason given by the petitioners for not filing the documents along with the written statement and has held that sufficient cause has not shown by the petitioners for the delay in filing the documents.

5. Admittedly the applications were filed only after the commencement of the Trial in the suit by the petitioners/defendants. However, the petitioners have been enjoying the benefit of interim stay of the further proceedings in the suit from the year 2024 onwards till date.

6. Learned counsel for the respondent also pointed out to this Court the discrepancies in the affidavit filed by the petitioners before the Trial Court as well as the grounds raised by the petitioners in these Civil Revision Petitions and would point out as seen from the affidavit filed in support of



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I.A.No.1 of 2022 before the Trial Court, the 1st petitioner/1st defendant claimed ownership of only 2 cents of land, whereas in the written statement the 1st petitioner/1st defendant has claimed that he is the owner of 7 cents of land. He further submitted that only on the ground that the applications have been filed belatedly and on the ground that no sufficient cause has been shown, the applications were dismissed by the Trial Court.

7. Learned counsel for the petitioners would submit that sale letter which is sought to be marked as an Exhibit has been executed in favour of the petitioners/defendants is required to prove the defendants' case in the suit. He would also submit that the documents sought to be received as additional documents are the only documents filed by the petitioners in the suit. Therefore, he would submit that in the interest of justice, the applications ought to have been allowed by the Trial Court.

8. This Court after hearing the respective submissions made by both the counsels is of the considered view that no prejudice would be caused to the respondent, if the additional documents are allowed to be marked as exhibits subject to its admission, proof and relevancy. The respondent is having the legal right to object to the admissibility of the documents in the



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main suit as well as in the cross examination of the petitioners/plaintiffs at the time of trial and unearth the truth with regard to the veracity of those documents. However, since the only documents filed by the petitioners are the sale letter as well as the tax receipts, which have been filed along with the application, in the interest of justice, this court is inclined to direct the Trial Court to receive those documents and mark the same as exhibits on the side of the petitioners/defendants at the time of Trial subject to its admission, proof and relevancy, by giving liberty to the respondent/plaintiff to question the admissibility of those documents, during the time of cross examination of the petitioners/defendants as well as in the arguments in the main suit.

9. For the foregoing reasons, the impugned order dated 26.09.2023 passed in I.A.No.2 of 2002 in O.S.No.206 of 2017 as well as the impugned order dated 26.09.2023 passed in I.A.No.1 of 2022 in O.S.No.206 of 2017, on the file of the Additional Sub Court at Ponneri, are hereby set aside by this Court and these Civil Revision Petitions are disposed of by issuing the following directions:-



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a) The Trial Court viz., Additional Sub Court, Ponneri is directed to receive the additional documents filed by the petitioners/defendants through I.A.No.1 of 2022 and I.A.No.2 of 2022 in O.S.No.206 of 2017, subject to its admission, proof and relevancy.

b) The respondent/plaintiff is granted liberty to cross examine the petitioners/defendants during trial with regard to the admissibility of the additional documents received through I.A.No.1 and 2022 and I.A.No. 2 of 2022, pursuant to the directions issued by this Court in this order.

c) The respondent/plaintiff is also permitted to raise all objections with regard to the veracity of the documents filed by the petitioners/defendants in the main suit at the time of arguments.

d) If the respondent/plaintiff insists for impounding of any of the documents, which have been produced by the petitioners/defendants which are inadmissible in evidence, since they are unregistered and unstamped documents, the Trial Court shall consider the said request in accordance with law.

e) The Trial Court viz., Additional Sub Court, Ponneri is directed to dispose of the suit in ***O.S.No.206 of 2017***, within a period of ***one year*** from the date of receipt of a copy of this order.



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No costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

The Additional Sub Judge,
Ponneri.



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ABDUL QUDDHOSE, J.

arr

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