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CRP No. 2619 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP Nos. 2619 and 2621 of 2025 and
CRP.Nos. 14813 and 14816 of 2025**

Saraswathi
W/o. Chinnasamy Gounder, 1/223,
Arasampalayam Village, Pollachi Taluk,
Coimbatore District.

..Petitioner(s)

Vs

Aruchamy
S/o. Subbaiya Gounder, Vadakku Thottam,
Arasampalayam Village, Pollachi Taluk,
Coimbatore District.

..Respondent(s)

Civil Revision Petitions filed under Article 226 of Constitution of India to set aside the petition and order dated 14.03.2025 made in IA Nos.7 and 8 of 2024 in OS No.285 of 2011 on the file of learned Additional District Munsif Court, Pollachi.

For Petitioner(s):	Mr.N.Ponraj
(in both CRP's)	
For Respondent(s):	Mr.R.Nandhakumar
(in both CRP's)	

COMMON ORDER

These Civil Revision Petitions have been filed challenging the impugned orders dated 14.03.2025, dismissing the petitioner's applications seeking to (a) re-open and recall P.W.1 evidence (b) Seeking to send Ex.A1 to the Forensic



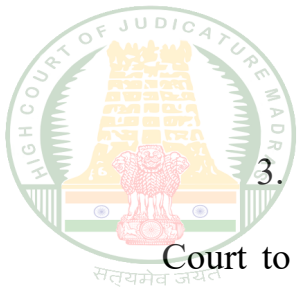
expert and compare the signature found in Ex.A1 with Ex.B2 and Ex.B3 as per the provisions of Section 45 of the Indian Evidence Act,1872.

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2. The petitioner is the plaintiff and the respondent is the defendant in the suit. O.S.No.285 of 2011 has been filed on the file of the Additional District Munsif Court, Pollachi. The petitioner filed a suit for declaration to declare that he is the absolute owner of the suit schedule property. He claims ownership of the suit schedule property by way of adverse possession. The petitioner also relies upon an unregistered Panchayat Sale Deed alleged to have been executed in his favour by the respondent. The respondent/defendant in the written statement has disputed the claim of the petitioner/plaintiff. The respondent/defendant also disputes that an unregistered Panchayat Sale Deed has been executed in favour of the petitioner/plaintiff. Under the impugned order, the Trial Court has dismissed the applications filed by the petitioner by giving the following reasons:

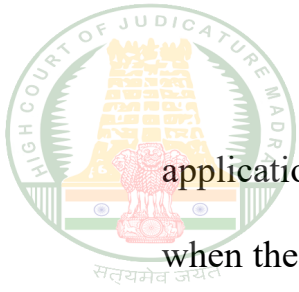
a) The applications were filed belatedly just before the pronouncement of the Judgment by the Trial Court.

b) Ex.A1 (Panchayat Sale Deed) said to have been executed in favour of the petitioner/plaintiff is an unregistered document and is inadmissible in evidence and cannot be relied upon for collateral purpose.



3. Learned counsel for the petitioner would draw the attention of this Court to an order dated 30.12.2020 passed by a learned Single Judge of this Court in **CRP (PD) No.3960 of 2019** in the case of **P.Indiran Vs. N, Balakrishnan and others** and would submit that an application under Section 45 of the Indian Evidence Act is maintainable even if the disputed document is an unregistered document and is inadmissible in evidence.

4. In the decision relied upon by the learned counsel for the petitioner referred to supra, the petitioner/plaintiff in the said suit claimed title under registered Sale Deeds, whereas, in the case on hand, the petitioner/plaintiff is claiming title by way of adverse possession. The petitioner also cannot blow hot and cold by claiming adverse possession but also at the same time, claiming that he was put in possession, pursuant to the Panchayat Sale Deed (Ex.A1). Depending upon the facts and circumstances of the case, the Court will have to decide as to whether an application filed under Section 45 of the Indian Evidence Act, 1872 is maintainable or not. In the case on hand, rightly the Trial Court has rejected the petitioner's application by giving correct reasons as stated supra. Admittedly, the application was also filed belatedly only at the time when the Trial Court had adjourned the matter for pronouncement of the Judgment. When a specific defense was raised by the respondent/defendant in the written statement disputing Ex.A1 and disputing that the petitioner/plaintiff is in possession of the suit schedule property, the question of entertaining an



application filed by the petitioner under Section 45 of the Indian Evidence Act, when the case is adjourned for pronouncement of Judgment does not arise. The

Trial Court has rightly dismissed the application filed by the petitioner.

Therefore, necessarily interim stay granted by this Court has to be vacated forthwith and a direction be issued to the Trial Court to dispose of the suit within a time frame to be fixed by this Court.

For the foregoing reasons, since there is no merit in this Civil Revision Petition, this Civil Revision Petition is dismissed by vacating the interim stay granted by this Court earlier and by directing the Additional District Munsif Court, Pollachi to dispose of the suit in O.S.No.285 of 2011, within a period of *three months* from the date of receipt of a copy of this order. No costs.

15-07-2026

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

The Additional District Munsif Court, Pollachi.



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CRP No. 2619 of 2



ABDUL QUDDHOSE, J.

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CRP No. 2619 of 2025

15-07-2026



WEB COPY

CRP No. 2619 of 2





WEB COPY

CRP No. 2619 of 2

