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C.R.P. No. 3448 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P. No. 3448 of 2025

&

C.M.P. No. 18773 of 2025

1. G. Sivakumar

2. G. Umapathy

K. Anniyappan (died)

3. Kolaki

4. K. Subiramani

5. Suguna

..Petitioners

Vs.

Duraisrinivasan

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decretal order dated 03.03.2025 passed in I.A. No. 02 of 2024 in A.S. No. 09 of 2020 by the learned Subordinate Judge, Arakkonam.



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For Petitioners :: Mr.S. Vijayanand

For Respondent :: Mr.G. Jeremiah

ORDER

This civil revision petition has been filed challenging the impugned order dated 03.03.2025 passed in I.A. No. 2 of 2024 in A.S. No. 9 of 2020 by the Sub-Court, Arakkonam,

2. The petitioners are the appellants in A.S. No. 9 of 2020 and they are the defendants in the suit in O.S. No. 42 of 2009 on the file of District Munsif Court, Arakkonam. The respondent is the plaintiff in the said suit and he claims to be the owner of the suit property. The suit was filed for declaration and injunction. Aggrieved by the judgment and decree passed by the Trial Court in favour of the respondent/plaintiff, the petitioners preferred First Appeal in A.S. No. 9 of 2020 before the Court of Subordinate Judge, Arakkonam.

3. During the pendency of the said appeal, the petitioners filed I.A. No. 2 of 2024 under Order XLI Rule 27 CPC seeking to summon Revenue Divisional Officer and Tahsildar, Arakkonam for the production of certain revenue records pertaining to the suit schedule property. According



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to the petitioners, only to substantiate their defence, it became necessary for them to summon the Revenue Divisional Officer and Tahsildar, Arakkonam for the aforesaid purpose. The petitioners also relied upon the judgment of the Trial Court passed in favour of the respondent/plaintiff wherein an observation was made that the petitioners/defendants did not seek for summoning of Revenue Divisional Officer and Tahsildar, Arakkonam, for production of revenue records pertaining to the suit schedule property to disprove the claim of the respondent/plaintiff.

4. The suit filed by the respondent/plaintiff is of the year 2009. Only in the appeal filed by the petitioners/defendants in A.S. No. 9 of 2020 on the file of Sub-Court, Arakkonam, the petitioners/defendants sought to summon the Revenue Divisional Officer and Tahsildar, Arakkonam for production of revenue records pertaining to the suit schedule property. Under the impugned order dated 03.03.2025, the Sub-Court, Arakkonam, has dismissed the application filed by the petitioners/defendants by giving the following reasons:

- (i) Even during trial in the suit, the revenue documents were very much available and the petitioners could have filed



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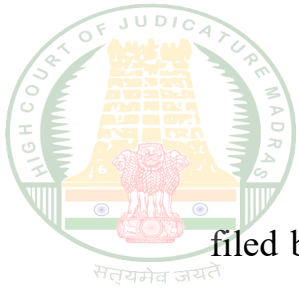
an application even during the pendency of the suit.

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(ii) The petitioners' claim is that the suit property is Depressed Class land (DC land). Hence, they could have very well produced documents in support of their claim even during the pendency of the suit.

(iii) No reasons have been given by the petitioners for not making attempts to produce the documents prior to the disposal of the suit.

5. It is not disputed by the learned counsel for the petitioners during the course of his submissions that the documents sought for by the petitioners through I.A. No. 2 of 2024 were very much available when the suit in O.S. No. 42 of 2009 was pending on the file of District Munsif Court, Arakkonam. As rightly pointed out in the impugned order, no reasons have been given by the petitioners in the affidavit filed in support of I.A. No. 2 of 2024 for not producing the documents or not summoning the Revenue Divisional Officer and Tahsildar, Arakkonam when the suit in O.S. No. 42 of 2009 was pending on the file of District Munsif Court, Arakkonam. The suit is of the year 2009 whereas the application has been



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filed by the petitioners belatedly in the year 2024. The petitioners are also having the benefit of interim stay through this civil revision petition from 2025 onwards. In view of the same, the appeal in A.S. No. 9 of 2020 pending on the file of Sub-Court, Arakkonam, is yet to be disposed of.

6. This Court does not find any infirmity in the reasons given by the Court below for dismissing the application in I.A. No. 2 of 2024 in A.S. NO. 9 of 2020. Accordingly, the civil revision petition is dismissed. No costs. Connected C.M.P. is closed.

06.07.2026

nv

To

1. The Sub Court, Arakkonam.
2. The District Munsif Court, Arakkonam.



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ABDUL QUDDHOSE,J.

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