



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3925 of 2026

AND

CMP NO. 17156 OF 2026

1. Pammal Court Welfare Association
Rep by its Secretary, No.8, Dr.Raja
Annamalai Road, Flat No.204, A Block
Puraswalkam, Chennai 600 084

Petitioner(s)

Vs

1. Dilip R Davey

2. Shivani Keyur Pandya

3. Pretty Dispesh Vyas,

4. Ashok R Davey,

5. M/s. Ganapth Enterprises
Rep. by its Partner Ashok R Davey
No.7, Raja, Annamalai Road, Anjami
Square, flat No.10, IV Floor,
Puraswalkam, Chennai 600 084.

6. Bharathi A Davey

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 16.06.2026 passed in I.A.No.9 of 2025 in O.S.No.6110 of 2019 by the XXI Additional Judge, City Civil Court at allikulam Chennai.

For Petitioner(s): Mr.C.A.Diwakar



For Respondent(s): M/s.M.Sandhya
for M/s. Rank Associates
Caveator For R1

WEB COPY

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 16.06.2026 passed by the XXI Additional Judge, City Civil Court, Allikulam, Chennai, in I.A. No.9 of 2025 in O.S. No.6110 of 2019.

2. In the aforesaid order, the application filed by the defendants 1, 6 and 7 under Section 60 of the BSA, 2023, seeking permission to let in secondary evidence by marking the photocopies of the documents mentioned in the schedule to I.A. No.9 of 2025 has been allowed. Aggrieved by the same, the petitioner, who is the plaintiff in the suit, has filed this Civil Revision Petition.

3. The defendants 1, 6 and 7, in their affidavit filed in support of I.A. No.9 of 2025, have stated that the documents disclosed in the schedule, which are morefully extracted in the impugned order, are necessary to be marked as exhibits for the purpose of substantiating their defence in the suit. Since the original documents were not available with them, they have filed I.A. No.9 of 2025, seeking leave of the trial Court to let in secondary evidence by marking the photocopies of the documents. They have also stated in the affidavit filed in support of I.A. No.9 of 2025 that, despite issuing notice to produce to the 3rd



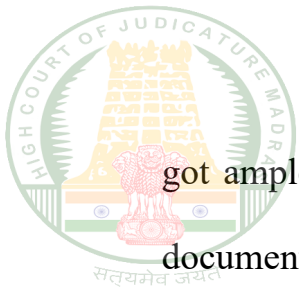
and 4th defendants, they were unable to get the original documents and, therefore, they have claimed that they were constrained to file I.A. No.9 of 2025.

4. On the other hand, the petitioner/plaintiff has contested the application by filing a counter, stating that the documents are very much available with the 3rd defendant and, therefore, the application filed by the defendants 1, 6 and 7 through I.A. No.9 of 2025 cannot be entertained.

5. However, the trial Court has allowed the application by taking into consideration the submissions made by the learned counsel for the defendants 1, 6 and 7 that the documents are vital to establish their case and also by giving the following reasons:

a) Despite due diligence, the defendants 1, 6 and 7 could not trace the documents, and non-production of the originals is neither wilful nor wanton;

b) Marking of documents and proof of documents are totally different, and just by marking the documents, it would not amount to proving the documents. Therefore, the reason for non-production of the original documents appears to be reasonable as no prejudice would be caused to the petitioner/plaintiff, if I.A. No.9 of 2025 is allowed, as the petitioner/plaintiff has



got ample opportunities to cross examine the witnesses on the veracity of the documents.

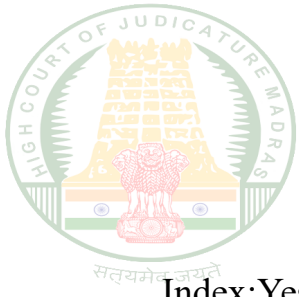
WEB COPY

6. This Court does not find any infirmity in the reasons given by the trial Court for allowing I.A. No.9 of 2025, as the interest of the petitioner/plaintiff has been adequately protected, as they have a right to cross-examine the witnesses on the side of the defendants with regard to the veracity of the documents which are allowed to be marked as exhibits on the side of the defendants 1, 6 and 7 by way of secondary evidence.

7. For the foregoing reasons, as stated supra, this Court is not entertaining this Civil Revision Petition, but instead is disposing of the same by issuing the following directions:

8. Since the suit has been filed in the year 2019 itself, the trial Court is directed to dispose of the suit as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

08-07-2026



CRP No. 3925 of 2026



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ab

To

The XXI Additional Judge, City Civil Court, Allikulam, Chennai.



WEB COPY

CRP No. 3925 of 2026



ABDUL QUDDHOSE J.

ab

**CRP No. 3925 of 2026
AND CMP NO. 17156
OF 2026**

08-07-2026