



WEB COPY

CRP No. 2144 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2144 of 2026

M. Amurthavalli

..Petitioner(s)

Vs

M.Malar

..Respondent(s)

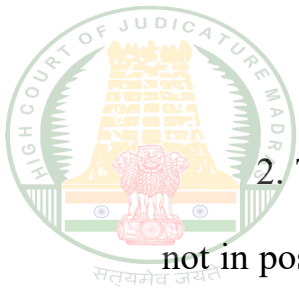
This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the Fair and Final Order dated 18.06.2025 passed by the Learned Principal Subordinate Court, Erode in IA No.1 of 2024 in OS No.1187 of 2023.

For Petitioner(s): Mr.L.Mouli

For Respondent(s): Mr.B Mohan
For Caveator

ORDER

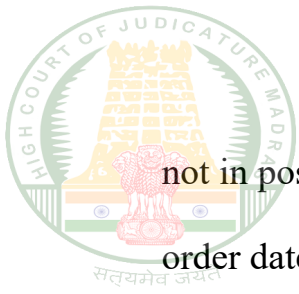
This Civil Revision Petition (CRP) has been filed challenging the impugned order dated 18.06.2025 passed by the Principal Sub-Court, Erode, in I.A.No.1 of 2024 in O.S.No.1187 of 2023. In the aforesaid order, the application filed by the petitioner, who is the plaintiff in the suit, seeking to mark the photocopy of the sale agreement dated 21.10.2020 by way of secondary evidence, has been dismissed on the ground that the petitioner has not produced the original sale agreement.



2. The contention of the petitioner before the court below was that she is not in possession of the original sale agreement dated 21.10.2020, as, according to her, the original sale agreement dated 21.10.2020 is with the respondent. The respondent also contended that she does not have the original sale agreement dated 21.10.2020. Since the original sale agreement was not produced, the trial Court dismissed the petitioner's application.

3. No prejudice will be caused if the photocopy of the sale agreement dated 21.10.2020 is allowed to be marked as an exhibit, subject to its admission, proof and relevancy. The respondent/defendant has also got the right to cross-examine the plaintiff's witness with regard to the veracity of the sale agreement dated 21.10.2020, which is going to be marked as an exhibit through a photocopy. However, the trial Court, under the impugned order, has dismissed the petitioner's application, which, in the considered view of this Court, is erroneous, since the photocopy of the sale agreement dated 21.10.2020 could have been marked as an exhibit by way of secondary evidence, subject to its admission, proof and relevancy, and subject to the right of cross-examination of the plaintiff's witness with regard to genuineness of the sale agreement dated 21.10.2020.

4. Since the impugned order is erroneous and is not in accordance with the settled practice and that too when the respondent has also stated that she is



not in possession of the original sale agreement dated 21.10.2020, the impugned order dated 18.06.2025 passed by the Principal Sub-Court, Erode, in I.A.No.1 of 2024 in O.S.No.1187 of 2023 is set aside by this Court and this Civil Revision Petition is allowed by directing the Principal Sub-Court, Erode, to mark the photocopy of the sale agreement dated 21.10.2020 as an exhibit by way of secondary evidence, subject to its admission, proof and relevancy, and subject to the defendant's right to cross-examine plaintiff's witness with regard to genuineness of the sale agreement dated 21.10.2020. No Costs. CMP.No.9372 of 2026 is closed.

09-07-2026

Neutral Citation: Yes/No
RKM

To
Principal Sub-Court,
Erode.



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ABDUL QUDDHOSE, J.

RKM

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