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CRP No. 5900 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5900 of 2025 & CMP.No.29133of 2025

1. A.Palayam (deceased), 1.P.Anushiya
W/O. Late A.Palayam,24, K.V.N.Puram, 1st
Street, Kilpauk Garden Road, Kilpauk Chennai
– 600010
2. P.Selvam
S/o Late A.Palayam, No.30, 8th Street, Padi
Pudhu Nagar, Anna Nagar West Extension,
Chennai 600 101
3. P.Murugan
S/o Late A.Palayam, No.24, K.V.N.Puram, 1st
Street, Kilpauk Garden Road, Kilpauk,
Chennai 600 010
4. P.Kutty
S/o Late A.Palayam, No.24, K.V.N.Puram, 1st
Street, Kilpauk Garden Road, Kilpauk,
Chennai 600 010
5. P.Suresh
S/o Late A.Palayam, No.24, K.V.N.Puram, 1st
Street, Kilpauk Garden Road, Kilpauk,
Chennai 600 010

..Petitioner(s)

Vs

1. Indirani
D/o. Late Arumugam, W/O. Swaminathan,
Muthumari Amman Koil Street, Impori Village,
Ammanampakkam Post, Thirukazhukundram
Taluk, Kancheepuram District – 603104.



2. A.Natarajan
S/o Late Arumugam, 300, Kilpauk Cementry,
Kilpauk, Chennai 600 010
3. A.Allimuthu
S/O. Late Arumugam, 23, K.V.N.Puram, 1st
Street, Kilpauk Garden Road, Kilpauk Chennai
- 600010
4. A.Krishnamurthy
S/O. Late Arumugam, 23, K.V.N.Puram, 1st
Street, Kilpauk Garden Road, Kilpauk Chennai
- 600010
5. M.Chandra
W/O. Late A.Murugesan, Res at K.V.N.Puram,
2nd Street, Kilpauk Chennai - 600010
6. Manikandan
S/O. Late A.Murugesan, Res at K.V.N.Puram,
2nd Street, Kilpauk Chennai - 600010
7. Suganya
D/O. Late A.Murugesan, Res at K.V.N.Puram,
2nd Street, Kilpauk Chennai - 600010
8. Divya
D/O. Late A.Murugesan, Res at K.V.N.Puram,
2nd Street, Kilpauk Chennai - 600010

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Order dated 06.11.2025 passed in IA.No.5 of 2025 in OS.No.909 of 2017 passed by the Ld IV Assistant Judge, City Civil Court, Chennai

For Petitioner(s): Mr.S.Deepak

For Respondent(s): Mr.G.Krishnamurthy
for.S.V.S.Ilamvazhuthi For R3



ORDER

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Challenging the dismissal of the application filed by the plaintiffs to mark the xerox copy of the documents as secondary evidence, the present Civil Revision Petition has been filed.

2. Originally, the suit in O.S.No.909 of 2017 has been filed by the first plaintiff for partition and for permanent injunction against the respondents. During the pendency of the suit, the first plaintiff died and the his wife and sons have been impleaded in the suit. When the suit was posted for trial, the plaintiffs came to know that out of four documents filed along with the plaint, two documents are xerox copies and the originals of the documents are with the respondents and hence, they had filed the application in I.A.No.05 of 2025 under section 60 of BSA read with Order VII Rule 14[2] of CPC to permit the petitioners to mark the xerox copy of the document Nos.2 and 3 as secondary evidence. The said application has been dismissed by the trial Court holding that the petitioners have not given notice to the respondents/defendants to cause production of the document as required under law. Challenging the same, the present revision has been filed.

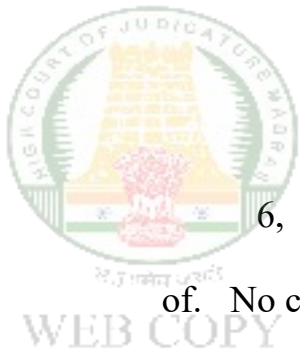
3. The learned counsel appearing for the petitioner submits that original allotment order as well as the death certificate of the Arumugam are in the



hands of the defendants and the petitioners were having only xerox copy and to mark those xerox copies during trial, they want to compare the same with original. Since the documents have not been produced by the defendants, they are seeking permission of the Court to mark the xerox copy of the documents as secondary evidence. Without appreciating the same, the trial Court had dismissed the application.

4. The learned counsel appearing for the third respondent had raised objections stating that the original allotment order and the death certificate of the said Arumugam is with him and the petitioners have not followed the provisions as required under Order 11 Rule 14 [2] of CPC for causing production of the original documents by giving appropriate notice. He further submits that if the petitioners give appropriate notice to cause production of the documents, he is ready to cause production of the same.

5. In view of the submissions of the learned counsel appearing for the third respondent, the petitioners are directed to give appropriate notice to the third respondent/third defendant and on such notice, the third respondent/third defendant is directed to produce the original allotment order and death certificate of the said Arumugham before the trial Court and on filing of the documents, the trial Court shall proceed as per law.



6, With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03-03-2026

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

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T.V.THAMILSELVI, J.

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