



C.R.P.No.6454 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.6454 of 2025

and

C.M.P.No.31895 of 2025

Kaliyamurthy

..Petitioner

Vs.

Gopal

..Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.09.2024 passed in I.A.No.No.5 of 2024 in O.S.No.58 of 2019 on the file of the Additional District Munsif Court, Jayankondam.

For Petitioner : Mr.M.Senthil Vadivu

For Respondent : Mr.A.Gouthaman

ORDER

This civil revision petition has been filed challenging the impugned order dated 04.09.2024 passed by the Additional District Munsif Court, Jayankondan, in I.A.No.5 of 2024 in O.S.No.58 of 2019.



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2. In the aforesaid order, the application filed by the petitioner seeking to produce a xerox copy of *Muchalika* dated 11.03.1989 by way of secondary evidence has been dismissed on the ground that the said *Muchalika* is not clear and legible.

3. The petitioner is the plaintiff in the suit and the respondent is the defendant. The suit in O.S.No.58 of 2019 was filed for a bare injunction to restrain the respondent / defendant from interfering with the peaceful possession and enjoyment of the suit schedule property by the petitioner / plaintiff. The petitioner / plaintiff claims that he has been in possession of the suit schedule property for more than thirty years. According to him, he was put in possession of the suit schedule property by the respondent / defendant through an agreement of sale entered into between the petitioner and the respondent. According to the petitioner / plaintiff, the respondent / defendant failed to execute the sale deed in favour of the petitioner / plaintiff despite the petitioner having paid the entire sale consideration, but executed only the subject *Muchalika* dated 11.03.1989.



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4. The trial Court dismissed the application filed by the petitioner to mark the xerox copy of the *Muchalika* as an exhibit by way of secondary evidence on the ground that the said document is not clear and legible. Though the reasoning may be incorrect, it is to be noted that the petitioner / plaintiff has not filed any revenue documents along with the suit to prove that he has been in possession of the suit schedule property for the past thirty years as claimed in the plaint. The agreement of sale filed by the petitioner, which is said to have been executed by the respondent / defendant in his favour, is also an unregistered agreement. All the documents filed along with the plaint are unregistered documents and since the petitioner / plaintiff has not filed any revenue documents to prove that he is in possession of the suit schedule property, the contention of the learned counsel for the petitioner during the course of the submission, that the xerox copy of the *Muchalika* was filed only for a collateral purpose, cannot be accepted by this Court.

5. The trial Court has rightly rejected the petitioner's application, though the reason may be incorrect. Since the petitioner / plaintiff has not



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produced any documents to prove that he is in possession of the suit schedule property and has also not filed any registered documents which is admissible in evidence, the question of entertaining the civil revision petition does not arise. This Court does not find any merit in the civil revision petition.

6. Accordingly, this Civil Revision Petition is dismissed. No costs.

Connected miscellaneous petition is closed.

13.07.2026

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Additional District Munsif Court,
Jayankondam.

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ABDUL QUDDHOSE, J.

vji

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