

C.R.P.(PD)(MD)No.1774 & 1775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2026

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(PD)(MD)Nos.1774 & 1775 of 2023

and

C.M.P.(MD)No.8841 of 2023

Chinnaponnu Ammal (Died)

1.M.Senthil Kumar

2. M.Kavitha

3. M.Suresh Kumar

4. M.Selvakumar

... Petitioners

Vs

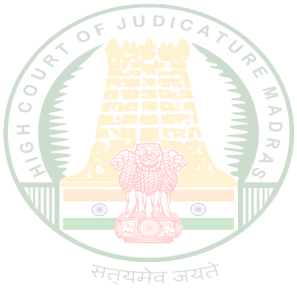
T.Subramanian

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09-06-2023 made in I.A.Nos.1 and 2 of 2023 in O.S.No.148 of 2017 on the file of the Additional District Munsif Court, Lalgudi.

For Petitioners : Mr.S.I.Muthiah

For Respondent : Mr.V.R.Shanmuganathan



C.R.P.(PD)(MD)No.1774 & 1775 of 2023

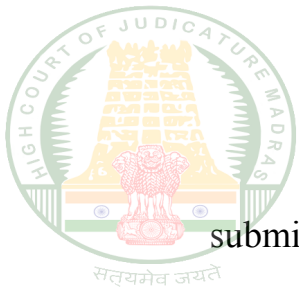
ORDER

WEB COPY

These Civil Revision petitions are filed challenging the order passed by the Courts below dismissing the applications filed by the petitioners to receive certain documents and to receive additional proof affidavit filed in support of those documents.

2. The petitioners herein filed a suit seeking declaration of title and recovery of possession in respect of suit B schedule property. The trial in the suit is already commenced and PW 1 is in the box. At this stage, the petitioners/plaintiffs filed the instant applications seeking to produce three documents namely patta for the suit B Schedule property stand in their names dated 08.03.2022 and the fair order passed in I.A.No.209 of 2018 and the petition and orders in I.A.No.209 of 2018. Simultaneously, the petitioners also filed another application seeking to file additional proof affidavit in support of those documents. These two petitions were dismissed by the Court below and aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners would

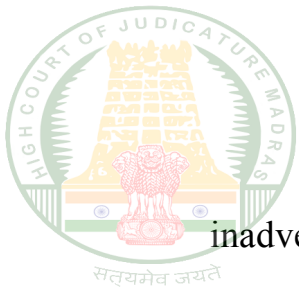


C.R.P.(PD)(MD)No.1774 & 1775 of 2023

submit the document No.1 namely patta for the suit property has been referred to in the plaint and the same has not been filed inadvertently along with the plaint. Therefore, the petitions filed by the petitioners seeking to receive the documents may be allowed.

4. The learned counsel appearing for the respondent would vehemently contend that the petitioners have not given any acceptable reason for their failure to produce the patta referred to in the plaint along with the plaint. Therefore, the trial Court was justified in dismissing the applications filed by the petitioners.

5. It is seen from the typeset of papers, the petitioners want to produce 3 documents. Document Nos.2 and 3 are the orders passed in I.A.No.209 of 2018. It is settled law, orders passed in I.A.No.209 of 2018 form part of the Court record and therefore, there is no necessity to mark the same as Documents in the suit. As far as patta is concerned, the same has been referred to by the petitioners/plaintiffs in the plaint averments and the same has been shown as Document No.2 in the list of documents filed along with the plaint. However, it appears that the petitioner failed to file the document along with the plaint due to



C.R.P.(PD)(MD)No.1774 & 1775 of 2023

inadvertence. The petitioner seeks declaration of title in respect of plaint

'A' schedule property and recovery of possession in respect of suit 'B' schedule property, which forms part of 'A' schedule. The patta sought to be filed relating to Suit B schedule property. In such circumstances, justice would be served by allowing the petitioners to produce the document and the respondent is entitled to raise all objections with regard to the admissibility, relevancy etc., when the document is tendered in evidence. The trial Court had taken an hyper technical view and dismissed the applications filed by the petitioners. It is settled law, when there is a conflict between the substantial rights of the parties and the procedural technicalities, the former shall prevail over the latter. Therefore, this Court is inclined to allow these revision petitions by setting aside the orders impugned in these revisions.

6. Accordingly, both the Civil Revision Petitions are allowed. In view of the same, I.A.No.1 of 2023 is allowed in respect of first document, namely the patta for B schedule property. I.A.No.2 of 2023 is also allowed to that extent. No costs. Consequently, connected miscellaneous petition is closed.



C.R.P.(PD)(MD)No.1774 & 1775 of 2023

15.07.2026

WEB COPY

NCC : Yes / No
Index : Yes / No
vsm

To

1. The Additional District Munsif Court, Lalgudi.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(PD)(MD)No.1774 & 1775 of 2023

S.SOUNTHAR, J.

vsm

C.R.P.(PD)(MD)No.1774 & 1775 of 2023

15.07.2026