



CRP.No.1401 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

WEB COPY

CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI

CRP.No.1401 of 2024

Muthuvallal (Deceased)

- 1.V.Nananeetham
- 2.V.Thirunavukkarasu
- 3.V.Mangaiyarkkarasi
- 4.Kumaravel
- 5.Thiruneelakandan

... Petitioners

Vs.

Venugopal(deceased)

- 1.Chandravarnam
- 2.Iyyappan@Sowrirajan
- 3.Thangadurai
- 4.Jayanthi
- 5.Achi@Dhanalakshmi
- 6.Illavarasan
- 7.Chandra
- 8.Selvi
- 9.Indirani
- 10.The Sub-Registrar,
O/o.Sub-Registrar Office,
Cuddalore Road, Virudhachalam.

11.The Surveyor,
Virudhachalam Municipality,
Virudhachalam Taluk.

12.The Tahsildar,
O/o.Virudhachalam Taluk,
Cuddalore District.

13. The Revenue Divisional Officer,



CRP.No.1401 of 2



O/o.RDO, Virudhachalam Taluk,
Cuddalore District.

WEB COPY

14. The District Collector,
Cuddalore.

15. Suresh

16. Jayam

17. Pushpa Raja

18. Chinna Durai

19. Malarvizhi

20. Tamilarasi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking for direction to the learned III Additional District Court, Virudhachalam to consider and dispose of the application in I.A.No.7 of 2024 in A.S.No.69 of 2020 within a time frame.

For Petitioners : Mr.P.Ravishankar Rao

For Respondents : Mrs.M.Sudha

for Mr.C.Munusamy for R1 to R9 & R16 to
R20

: Mr.A.Anandan

Government Advocate for R10 to R14

: R15-No appearance

ORDER

The Civil Revision Petition is filed seeking a direction to the learned III Additional District Court, Virudhachalam to consider and dispose of the application in I.A.No.7 of 2024 in A.S.No.69 of 2020, within a reasonable time.

2. Heard the learned counsel on either side and perused the



materials available on record.

WEB COPY

3. Learned Counsel for the petitioner would submit that pending the appeal, an application has been filed under Order 41 Rule 27 of CPC and the said application was kept pending without necessary enquiry to ascertain whether the documents would be crucial for adjudicating the appeal and if so, the application would have to be taken up prior to the disposal of the appeal or otherwise it should be normally taken up along with the disposal of the main appeal only.

4. The grievance of the petitioners is that the said exercise of ascertaining the requirement of the documents also has not been undertaken by the first appellate Court and the application is pending from 2024 onwards.

5. In the light of the above and following the ratio laid down by the Hon'ble Supreme Court of India in the case of ***Sanjay Kumar Singh Vs. The State of Jharkhand*** in Civil Appeal No.1760 of 2022, dated 10.03.2022, wherein it has been held that any additional documents or evidence that is permitted in the first appeal should be taken on file only if the appellant is able to prove the existence, authenticity and genuineness of the documents



included.

WEB COPY

6. In the light of the above, it is for the first appellate Court to adjudicate the requirement of documents and if so, subject to proof, receive the documents before proceeding with the appeal. In the light of the above, the first appellate Court namely, the III Additional District Court, Vriddhachalam is directed to conduct due enquiry in I.A.No.07 of 2024, after affording fair opportunity to the appellants as well as to be respondents and pass orders on the said application within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, the Civil Revision Petition is disposed of. No costs.

23.07.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
veda
To
III Additional District Court,
Virudhachalam.



WEB COPY



CRP.No.1401 of 2

P.B.BALAJI, J.

veda

CRP.No.1401 of 2024

23.07.2025