



CRP Nos.482 and 489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP Nos.482 and 489 of 2024 and
CMP No.2297 of 2024**

V.Jayapal (deceased)

- 1 . J.Jansirani
- 2 . J.Sivakumar
- 3 . J.Sridhar
- 4 . J.Supriya

... Petitioner(s)
in both CRPS

Vs.

1. S.Kasthuri
- 2 . S.Anandan
- 3 . S.Rajendiran

... Respondent(s)
in both CRPS



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PRAYER in CRP No.482 of 2024: Civil Revision Petition filed under Article

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227 of Constitution of India to set aside the fair and decreetal order passed in I.A.No.4 of 2023 in O.S.No.111 of 2009, dated 23.11.2023 on the file of Additional Subordinate Judge, Vellore by allowing the Civil Revision Petition.

PRAYER in CRP No.489 of 2024: Civil Revision Petition filed under Article

227 of Constitution of India to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.111 of 2009, dated 23.11.2023 on the file of Additional Subordinate Judge, Vellore by allowing the Civil Revision Petition.

For Petitioner(s): Mr. R.Jayaprakash

For Respondent(s): Ms.D.Chitra Maragatham
for M/s T.R.Rajaraman

COMMON ORDER

These civil revision petitions are filed challenging the orders passed by the Trial Court, dismissing the applications filed by the petitioners/plaintiffs seeking to reopen the plaintiffs side evidence and to receive the documents.



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2. The petitioners herein filed a suit in O.S.No.111 of 2009 for recovery of possession against the respondents/defendants. According to the petitioners, the suit property was originally allotted to one Govindammal under a registered partition deed dated 16.08.1965 and the said Govindammal, out of love and affection, settled the property in favour of the petitioners/plaintiffs, vide registered settlement deed dated 28.07.1976. It is the case of the petitioners that the defendants are permissive occupants of the suit property and they refused to vacate the property, despite repeated requests made by the petitioners and hence, the said suit has been laid. Along with the plaint, the copies of the above mentioned documents were filed as document Nos.1 and 2. However, at the time of examination of plaintiffs side witness, the settlement deed dated 28.07.1976 was not marked and after completion of trial, the suit was posted for arguments. At this state, the instant applications have been filed by the petitioners seeking reopen the plaintiffs side evidence and to receive the additional documents, namely



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settlement deed dated 28.07.1976 and the promissory notes executed by the first and 2nd petitioner dated 15.07.2021. The said applications were dismissed by the Trial Court on the ground that, earlier, similar applications were filed by the petitioners seeking reception of partition deed dated 16.08.1965, however, the petitioners failed to mark the settlement deed at that point of time. Aggrieved by the dismissal of the applications, the petitioners have come before this court.

3. The learned counsel for the petitioners would submit that the documents sought to be produced are not new documents and the same were referred in the averments of the plaint as well as in the list of plaint documents. Therefore, in the interest of justice, the trial court ought to have allowed the petition.

4. The learned counsel for the respondents/defendants would submit that the suit is of the year 2009 and the petitioners are dragging suit proceedings by filing vexatious applications. Taking into consideration the above facts, the Trial



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Court rightly dismissed the application.

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5. The settlement deed sought to be received in evidence was referred in the averments of the plaint and the copy was also filed as document No.2. The petitioners/ plaintiffs filed the said suit for recovery of possession based on the said document alone and it is a core document to establish their claim before the Trial Court. It is seen from the records that earlier, the petitioners filed similar applications for reception of partition deed dated 16.08.1965. However, at the time of filing the above said applications, the petitioners failed to produce the settlement deed also, for the reasons best known to them. Now, the instant applications have been filed stating that the original settlement deed was in the custody of a financier and hence, the registration copy of the same is produced.



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6. Having regard to the averments made in the plaint, the documents to be produced by the petitioners are important documents. However, the petitioners/ plaintiffs failed to produce the same during trial. Taking into consideration the failure of the petitioners to produce the documents at the relevant point of time, this court feels that it would be appropriate to allow the applications by imposing heavy costs on the petitioners, in the interest of justice.

7. Accordingly, this civil revision petition is allowed on condition the petitioners deposit a sum of Rs.15,000/- (Rupees fifteen thousand) to the credit of O.S.No.111 of 2009 on the file of Additional Subordinate Judge, Vellore, within a period of three weeks from the date of receipt of copy of the order. In case, the said amount is not deposited, within the stipulated time, this civil revision petition will stand automatically dismissed. If the petitioners deposit the above said amount, within the stipulated time, the impugned order passed by the Trial Court



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will stand set aside and consequence of the same the I.A.Nos.3 and 4 of 2023 in

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O.S.No.111 of 2009 dated 23.11.2023 will stand allowed. On such deposit being

made by the petitioners, the respondents are at liberty to withdraw the same, by

making formal application before the Trial Court. Taking into consideration the

suit is of the year 2009, the Trial Court is directed to dispose of the suit in

O.S.No.111 of 2009 as expeditiously as possible.

17.11.2025

Internet: Yes

Index: Yes

Neutral citation: Yes/No

MST

To

The Judicial Magistrate,

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Additional Mahila Court, Cuddalore

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S.SOUNTHAR, J.

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