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CRP No. 1403 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1403 of 2024

AND

CMP NO. 7507 OF 2024

1. S.G. Sethooraman

S/o. S.M. Gopalan, No.39/16,
Nathamuni Street, T. Nagar, Chennai
17.

Petitioner(s)

Vs

1. S.A. Pankajammal (Deceased) 1.

S.A. Jaganathan

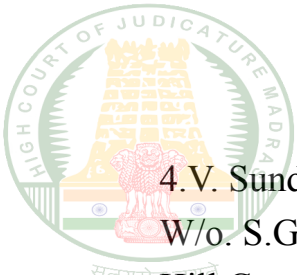
S/o. Adhikesavan, No.161/79, Kuchery
Road, Vinayaga Nagar, Mylapore,
Chennai 4

2.S.A. Sreedharan

S/o. S.M. Adhikesavan, 161/79,
Kuchery Road, Vinayaga Nagar,
Mylapore, Chennai 4.

3.B. Bagyalakshmi

D/o. S.M. Adhikesavan, 11-4-6, Ptura
Apartments, Jalan Bukit Setiawangsa,
Kualalaumpur4 54200, Malaysia.



4.V. Sundari

W/o. S.G. Vijaya Raghavan, Sai Uma

Hill Crest, B Block, F.No.104,

Khajaguda, Lane Opp-Delhi Public

School, Manikonda, Hyderabad 500

089.

5.Swarnamala Adoni

D/o. S.G. Vijaya Raghavan, Sai Uma

Hill Crest, B Block, F.No.104,

Khajaguda, Lane Opp-Delhi Public

School, Manikonda, Hyderabad 500

089.

6.Suchitra

D/o. S.G. Vijaya Raghavan, Sai Uma

Hill Crest, B Block, F.No.104,

Khajaguda, Lane Opp-Delhi Public

School, Manikonda, Hyderabad 500

089.

Respondent(s)

PRAYER

This Civil Miscellaneous petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decretal Order dated 26.02.2024 passed in IA No.6 of 2023 in OS No.2243 of 2020 on the file of XVIII Additional City Civil Court, Chennai.

For Petitioner(s): Mr.T.S.Baskaran

For Respondent(s): M/s.P.Ramanathan for RR4 to 6
Mr.P.V.Ramachandran for R1



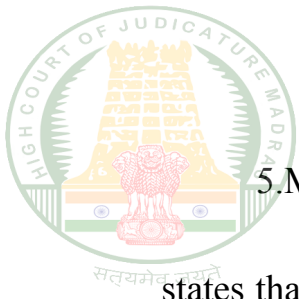
ORDER

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The revision has been filed by the plaintiff aggrieved by the dismissal of IA No. 6 of 2023 refusing permission to receive additional documents on the side of the plaintiff.

2.Mr T.S. Baskaran, learned counsel for the petitioner, states that only in view of the plea of ouster having been pleaded in the written statement, the additional documents were required to be brought on record and necessary averments have being made in the affidavit filed in support of the applications.

3.Mr P.V. Ramachandran, learned counsel for the first respondent, would state that absolutely no reasons have been assigned as to why these documents have not been filed along with the plaint, and he further contends that the death certificate of the father, Gopalan, was filed along with the plaint, and it was only a repetition. He would also contend that the death certificate will not in any manner assist the plaintiffs to establish the fact that the plea of ouster is not available to the defendant. He would therefore pray that the trial court order, being a well-reasoned order, does not require any interference.



5.Mr.P.Ramanathan, learned counsel appearing for the respondents 4 to 6

states that he has no objection to the additional documents being received since it is only a suit for partition and the respondents 4 to 6 are also claiming for their respective shares in the suit property.

6.I have carefully considered the submissions advanced by either side, and I have also gone through the order of the trial court, dismissing the application stating that the death certificates and legal heir certificate are of no relevance to the facts of the present case.

7.It is a settled law that at the time of receiving documents under Order VII Rule 14 of the CPC, the test cannot be as to whether the documents are relevant for the case; which is to be considered only at the time of marking the documents and not at the time of receipt of the documents. The trial court ought not to have ventured to conduct an enquiry with regard to the relevancy of the documents that are sought to be filed by the petitioner/plaintiff.

8.I have also seen from the affidavit that the additional documents are filed only to establish that the plea of ouster taken by the defendants in the

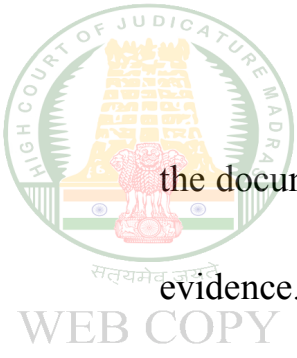


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written statement is unsustainable. All these questions can be decided when the documents are sought to be marked, and at that stage the court can always decide the issue of the relevancy of the documents and thereafter permit the same to be marked or refuse permission also. At the stage of receipt of the documents, such roving enquiry is not contemplated.

9. Therefore, the reasons assigned by the trial Court in rejecting the application and refusing permission even to receive the documents, citing that they are not necessary and relevant documents, are unsustainable. Further with regard to the contention of Mr.P.V.Ramachandran, learned counsel for the first respondent, that the documents have not been filed with the plaint and that no reasons have been assigned in the affidavit as to why they are not filed along with the plaint, I am unable to countenance the said submissions for the simple reason that the documents are sought to be produced only in view of the plea of defence of ouster having been taken in the written statement.

10. Therefore, the plaintiff ought to have been given permission to produce the said documents. However, it is made clear that at the time of marking the documents, the defendants are entitled to object to the marking of



the documents on the ground that the same are not relevant or not admissible in evidence.

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11. With the above liberty, this civil revision petition is **disposed of**. No costs. The connected miscellaneous petition is closed. Considering that the suit is of the year 2020 and it is only for partition, the trial court shall expedite the trial and dispose of the suit within a period of 9 months from the date of receipt of a copy of this order.

19-08-2025

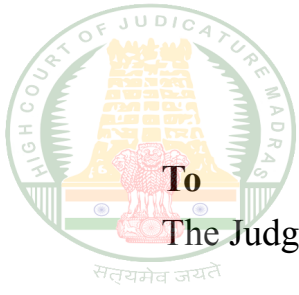
jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Judge, XVIII Additional City Civil Court, Chennai.

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P.B.BALAJI J.

jrs

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