



CRP(NPD) No. 1679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.06.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRP(NPD) No.1679 of 2025

and

CMP No.9696 of 2025

Om Shakthi Narayani Siddhar Peedam
Charitable Endowment Trust,
rep. By Managing Trustee,
Arul Thiru Sakthi Amma,
Malaikodi, Ariyur Village,
Vellore 632 055

... Petitioner

Vs.

1. Amsa

2. Nagarathinam

3. Sekar

Viswanathan (died)

Santha (died)

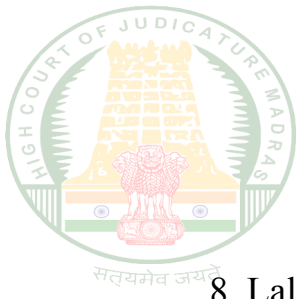
4. Kumari

5. Rajeswari

6. Haridass

7. Malliga

1/6



CRP(NPD) No. 1679 of 2025

8. Lalitha
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9. Sathiya

10. Nithiya

11. Saveetha

12. Ranjith ... Respondents

Prayer : Civil Revision petition has been filed under Article 227 of the Constitution of India to set aside the order dated 24.02.2025, passed in the Memo filed in I.A.No.7 of 2024 in A.S.No.90 of 2019 by the learned Additional Subordinate Judge, Vellore and allow the CRP.

For Petitioner : Mr. N. Muralikumaran
Sr. Adv., for
Mcgan Law Firm

For Respondents : Mr. K. Govi Ganesan,
for R1

: Mr. S.Sriram,
for R2, R3

: Mr. P.Santhosh,
for R4 to R8

: Mr. M. Vishal,
for R9 to R12

ORDER



CRP(NPD) No. 1679 of 2025

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2. The learned senior counsel appearing for the petitioner submitted that since the other side has no objection to receiving the documents, the First Appellate Court ought to have allowed the application filed under Order 41 Rule 27 and then decide the appeal. However, the First Appellate Court insisted the revision petitioner herein for advancing argument in the main appeal itself. The learned Senior Counsel also pointed out that only the application filed under Order 41 Rule 27 (aa) & (b) has to be compulsorily decided along with the appeal. But, not the application seeking to produce the documents as additional evidence. In support of his contention, the learned senior counsel also relied upon the judgment of the ***Rajasthan High Court*** in the case of ***State of Rajasthan /vs/ T.N. Sahani reported in 2001 (10) SCC 619.***



CRP(NPD) No. 1679 of 2025

3. I have heard both sides and perused the materials available on records carefully.

4. It is not in dispute that the contesting respondent has no objection to allow the application filed by the revision petitioner/appellant to receive the sale deeds, exchange deed, etc. In such circumstances, the First Appellate Court ought to have allowed the application first and received the documents on record and following the procedure under Order 41 Rule 28 of CPC would have decided the appeal on merits. Though it is settled law that the application filed under Order 41 Rule 27 has to be taken up along with the main appeal, as there is no objection on side of the contesting respondent to bring on record the registered documents, the First Appellate Court should receive those documents and bring the documents on record as per the procedure and decide the appeal.

5. Accordingly, this Civil Revision Petition is allowed and the order passed by the learned Additional Subordinate Judge, Vellore in the memo dated 24.02.2025 is set aside. The First Appellate Court is directed to



CRP(NPD) No. 1679 of 2025

receive the documents, as the contesting respondent has no objection, and bring those documents on records, as evidence, as per the procedures contemplated under Order 41 Rule 28 of CPC. The First Appellate Court is also directed to dispose the main appeal within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

24.06.2025

mrp

To

1. The Additional Subordinate Judge, Vellore



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CRP(NPD) No. 1679 of 2025

N. SATHISH KUMAR, J.

mrp

CRP No.1679 of 2025

24.06.2025