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CRP.No.2091 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.2091 of 2025
and
CMP.No.12193 of 2025**

Navas

... Petitioner

Vs.

Rajendiran

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order passed in I.A.No.181 of 2025 in O.S.No.772 of 2020 on the file of Additional Sub Judge Court, Kallakurichi dated 28.03.2025.

For Petitioner : Mr.N.Ranjith Kumar

For Respondent : Mr.V.Gunasekar

ORDER

The Civil Revision Petition is filed to set aside the order passed in I.A.No.181 of 2025 in O.S.No.772 of 2020, on the file of the Additional Sub Judge, Kallakurichi dated 28.03.2025.



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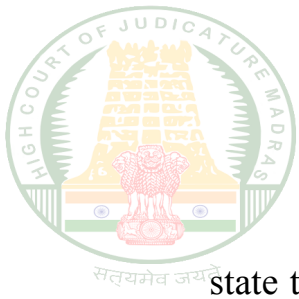
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2. The revision petitioner is the defendant in a suit for specific performance.

3. The revision petitioner attempted to mark some additional documents and took out an application in I.A.No.181 of 2025, seeking to receive five documents on the side of the defendant. The said application was resisted by the plaintiff and the trial Court while permitting documents 3 to 5 to be received, dismissed the application in so far as two of the documents namely Document No.1 and 2, which are agreements for sale, entered into between the parties themselves, on an earlier date, i.e, prior to the document which is sought to be enforced by the respondent / plaintiff. The trial Court has dismissed the application on the ground that the defendant has not followed the procedure mandate under the Evidence Act to mark secondary evidence.

4. Learned Counsel for the petitioner, challenging the said order of the trial Court, would contend that at the time of marking documents, original documents shall be filed and there is no bar to file Photostat copies along with the application.



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5. Learned Counsel for the respondent / plaintiff would however state that it is the categorical case of the revision petitioner that the originals that are sought to be marked, according to the revision petitioner, are only with the respondent / plaintiff and the trial Court has rightly held that without following the procedure for permitting secondary evidence to be adduced, the application for receiving photostat copies of the documents is not maintainable and there is no infirmity in the order of the trial Court.

6. I have carefully considered the submissions made on either side.

7. Firstly, it is stated that the agreements that are sought to be relied on by the defendant, are agreements that are prior to the suit agreement which is alone sought to be enforced. Moreover, the agreement that is sought to be specifically enforced is a registered sale agreement and the sale agreements which are sought to be relied on by introducing photostat copies along with the applications are unregistered sale agreements. Further, in any event, as long as the originals are not before the Court and secondary evidence is sought to be produced, the petitioner should have followed the procedure mandated under Section 65 and 66 of the Evidence Act. That being



so, the petitioner cannot introduce Photostat copies as evidence on their side.

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8. In view of the facts and circumstances of the case, I do not find any infirmity or perversity in the findings of the trial Court, rejecting two photostat copies of the sale agreement, while permitting three other documents to be registered.

9. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
veda

To
The Additional Sub Court,
Kallakurichi.



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P.B.BALAJI, J.

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