



CRP (PD) No.2131 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRP (PD) NO.2131 OF 2021

AND

CMP NO.16167 OF 2021

1.Ravi
2.Ramesh
3.Sudamani

... Petitioners / Petitioners /
Appellants / Defendants 3 to 5

Versus

1.Rajaram

... st 1 Respondent / 1 st Respondent
st 1 Respondent / Plaintiff

2.Rajamanickam
3.Rajeswari
4.Rajalakshmi
5.Rani

... Respondents 2-5 / Respondents 2-5/
Defendants 2, 6 to 8

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950 praying to set aside the Fair and Decretal Order passed in I.A.No.63 of 2018 in A.S.No.02 of 2017 dated April 30, 2021 on the file of the learned Principal District Judge, Perambalur.

For Petitioners : Ms.G.Vaishali
for M/s.T.Fenn Walter Associates

Page No.1 of 14



CRP (PD) No.2131 of 2021

For Respondent-1 : Ms.D.E.Anisree Sangavi
for M/s.Usha Ramman

For Respondent-2 : No appearance

For Respondents-
3&5 : Served – No appearance

For Respondent-4 : Refused

ORDER

This Civil Revision Petition is posted at the instance of the Revision Petitioner/Defendants 3 to 5 under the cause list caption 'for being mentioned'. This Court disposed of the Civil Revision Petition vide its Order dated October 31, 2025. This Order shall serve as an 'Addenda' to the said Order dated October 31, 2025.

2.Learned Counsel appearing for the Revision Petitioner/Defendants 3 to 5 brought to the notice of this Court that in Paragraph No.3, a factual error has crept in and prays for rectification of the same.

3.The first line in Paragraph No.3 of the said Order dated October 31, 2025 reads as follows:

“One Karuppudayar has four sons and four daughters.”

4.While Karuppudayar has only three daughters, inadvertently it has

Page No.2 of 14



CRP (PD) No.2131 of 2021

been mentioned as if he has four daughters. Hence, the first line of

Paragraph No.3 of the aforesaid Order shall be read as follows:

“One Karuppudayar has four sons and three daughters.”

5. Consequent to the aforesaid error, another error has occurred in the

third line of Paragraph No.3 of the said Order. The 3rd line reads thus:

“His daughters were added as Defendants 5 to 8.”

6. The same shall be read as *“His wife and daughters were added as Defendants 5 to 8.”*

7. Registry is directed to annex this Addenda to the Order dated October 31, 2025.

28.11.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
pam

R.SAKTHIVEL, J.

pam

Page No.3 of 14



CRP (PD) No.2131 of 2021

To
WEB COPY

The Principal District Judge,
Principal District Court,
Perambalur.

CRP (PD) NO.2131 OF 2021

28.11.2025



CRP (PD) No.2131 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRP (PD) NO.2131 OF 2021

AND

CMP NO.161617 OF 2021

1.Ravi
2.Ramesh
3.Sudamani

... Petitioners / Petitioners /
Appellants / Defendants 3 to 5

Versus

1.Rajaram

... st 1 Respondent / 1 st Respondent
st 1 Respondent / Plaintiff

2.Rajamanickam
3.Rajeswari
4.Rajalakshmi
5.Rani

... Respondents 2-5 / Respondents 2-5/
Defendants 2, 6 to 8

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950 praying to set aside the Fair and Decretal Order passed in I.A.No.63 of 2018 in A.S.No.02 of 2017 dated April 30, 2021 on the file of the learned Principal District Judge, Perambalur.

For Petitioners : Ms.G.Vaishali
for M/s.T.Fenn Walter Associates

Page No.5 of 14



For Respondent-1 : Ms.D.E.Anisree Sangavi
for M/s.Usha Ramman

For Respondent-2 : No appearance

For Respondents-3&5: Served – No appearance

For Respondent-4 : Refused

ORDER

Feeling aggrieved by the Order dated April 30, 2021 passed by the 'Principal District Court, Perambalur' ['First Appellate Court' for short] in the Interlocutory Application filed under Order XLI Rule 27 and Section 151 of the 'Code of Civil Procedure, 1908' ['CPC' for short] numbered as I.A.No.63 of 2018 in A.S.No.02 of 2017, the Revision Petitioners / Appellants / Defendants 3 to 5 have preferred this Civil Revision Petition under Article 227 of the Constitution of India.

2.The Revision Petitioners herein are the Appellants and first Respondent herein is the Respondent in the Appeal Suit in A.S.No.02 of 2017 on the file of the First Appellate Court. The Revision Petitioners herein are the Defendants 3 to 5, the 1st respondent herein is the Plaintiff and the Respondents 2 to 5 herein are the Defendants 2 and 6 to 8 in the Original Suit in O.S.No.125 of 2001 on the file of Sub Court, Ariyalur,



which was later transferred on the file 'Sub Court, Perambalur' ('Trial Court' for short) and renumbered as O.S.No.142 of 2008.

2.1.For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Suit.

3.One Karuppudayar has four sons and four daughters. One of the sons, namely Rajaram filed an Original Suit against his father Karuppudayar and his brothers in O.S.No.125 of 2001 on the file of Sub Court, Ariyalur, which was later transferred and renumbered as O.S.No.142 of 2008 on the file of the Trial Court, seeking to divide the Suit Properties into five equal shares and allot of one such share to him. During the pendency of the said Suit, Karuppudayar (first Defendant) passed away. His daughters were added as Defendants 5 to 8. The plaintiff's brothers Ravi and Ramesh filed an Original Suit for injunction against his another

brother Rajamanickam (2nd respondent in the Suit) in O.S.No.41 of 2012 on the file of the Trial Court (which was originally filed before the District Munsif Court, Perambalur as O.S.No.442 of 2010 in respect of certain properties. Since the properties and the parties are substantially one and the same, joint trial was conducted and a common Judgment was passed on



November 21, 2016, whereby the Partition Suit was decreed in part and the injunction Suit was dismissed.

4. Feeling aggrieved, the defendants 3 to 5 preferred an Appeal Suit in A.S.No.02 of 2017 before the Principal District Court, Perambalur. During the pendency of the Appeal Suit, the Revision Petitioners / Appellants filed an Interlocutory Application under Order XLI Rule 27 and Section 151 of the Code of Civil Procedure, 1908 of CPC, praying to receive 9 documents morefully described under the said Application. The first respondent / plaintiff filed counter affidavit. The First Appellate Court, after hearing both sides, held that the reason assigned for non-production of the aforesaid documents before the Trial Court is not satisfactory and dismissed the Interlocutory Application filed in I.A.No.63 of 2018 in A.S.No.02 of 2017.

5. Feeling aggrieved by the Dismissal Order dated April 30, 2021 passed in I.A.No.63 of 2018 in A.S.No.02 of 2017 filed under Order 41 Rule 27 and Section 151 of CPC, the Revision Petitioners have filed this Civil Revision Petition.

6. Ms.G.Vaishali representing M/s.T.Fenn Walter Associates, Counsel on record for the Revision Petitioners submits that the documents



sought to be received as additional evidence are public documents and are relevant to decide the Appeal Suit. Further, she submits that the original documents were stolen and the Revision Petitioners have applied for certified copies for the same before the concerned authorities and filed them as additional documents under the aforesaid Interlocutory Application. The documents sought to be received are public documents and hence, the contents of the documents cannot be denied by the first respondent. Further, no prejudice would be caused by allowing the Interlocutory Application and thereby, receiving the documents as an additional evidence. Accordingly, she prays to allow the Civil Revision Petition.

7.Ms.D.E.Anisree Sangavi for M/s.Usha Ramman, learned Counsel appearing for the first respondent submits that the documents sought to be received are not relevant to decide the issue. Though the Revision Petitioners have stated that the originals of the same were stolen and a FIR was registered in this regard, but no FIR copy was filed before the Court to substantiate the same. The First Appellate Court, considering the entire facts and circumstances, rightly dismissed the Interlocutory Application and there is no warrant to interfere with. Accordingly, she prays to dismiss the Civil Revision Petition.



WEB COPY

8.This Court has considered both sides submissions and perused the pleadings, Trial Court's Judgment, petition and affidavit filed in support of the Interlocutory Application and other connected papers annexed in the typed-set of papers.

9.Before delving into the merits of the matter, this Court is of the view that the procedure adopted by the First Appellate Court is not in consonance with the established principles of law. When an Application under Order XLI Rule 27 of CPC is filed in an Appeal Suit, the First Appellate Court shall hear and decide the same, along with the main Appeal Suit. Without hearing the main matter, the Application filed under Order XLI Rule 27 of CPC cannot be decided in isolation.

10.The above view of this Court has been fortified by the Hon'ble Supreme Court in ***Union of India -vs- Ibrahim Uddin***, reported in ***(2012) 8 SCC 148***. It is apposite to extract Paragraph Nos.49, 52 and 53 of the said judgment, hereunder:

'49.An application under Order 41 Rule 27 CPC is to be considered at the time of hearing of appeal on merits so as to find out whether the documents and/or the evidence sought to be adduced have any relevance/bearing on the issues involved.



The admissibility of additional evidence does not depend upon the relevancy to the issue on hand, or on the fact, whether the applicant had an opportunity for adducing such evidence at an earlier stage or not, but it depends upon whether or not the Appellate Court requires the evidence sought to be adduced to enable it to pronounce judgment or for any other substantial cause. The true test, therefore is, whether the Appellate Court is able to pronounce judgment on the materials before it without taking into consideration the additional evidence sought to be adduced. Such occasion would arise only if on examining the evidence as it stands the court comes to the conclusion that some inherent lacuna or defect becomes apparent to the Court. (Vide: Arjan Singh v. Kartar Singh & Ors., AIR 1951 SC 193; and Natha Singh & Ors. v. The Financial Commissioner, Taxation (1976) 3 SCC 28.

50. ...

51. ...

52. Thus, from the above, it is crystal clear that application for taking additional evidence on record at an appellate stage, even if filed during the pendency of the appeal, is to be heard at the time of final hearing of the appeal at a stage when after appreciating the evidence on record, the court reaches the conclusion that additional evidence was required to be taken on record in order to pronounce the judgment or for any other substantial cause. In case, the application for taking additional evidence on record has been considered and allowed prior to the hearing of the appeal, the order being a product of total and complete non-application of mind, as to whether such evidence is required to be taken on record to pronounce the judgment or not, remains inconsequential/inexecutable and is liable to be ignored.



53. In the instant case, the application under Order 41 Rule 27 CPC was filed on 6-4-1998 and it was allowed on 28-4-1999 though the first appeal was heard and disposed of on 15-10-1999. In view of law referred to hereinabove, the order dated 28-4-1999 is just to be ignored.'

11. In the light of the dictum laid down by the Hon'ble Supreme Court, this Court is of the considered view that the procedure adopted by the First Appellate Court is not in consonance with the provision of law. Moreover, the documents sought to be received are all pre-suit and public documents. Whether the additional documents sought to be received as additional evidence are relevant or not is to be appreciated along with the pleadings. Hence, this Court is inclined to allow the Civil Revision Petition.

12. Accordingly, the dismissal Order passed in I.A.No.63 of 2018 in A.S.No.02 of 2017 dated April 30, 2021 by the First Appellate Court is set aside and the matter is remitted back to the First Appellate Court to consider the Interlocutory Application in I.A.No.63 of 2018 in A.S.No.02 of 2017 along with the main Appeal Suit, as per the provisions of Order XLI Rule 27 of CPC.

13. With the above observations, this Civil Revision Petition is allowed. Considering the facts and circumstances of the case, there shall be



CRP (PD) No.2131 of 2021

no order as to costs. Consequently, connected Civil Miscellaneous Petition
is closed.

31.10.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

To

The Principal District Judge
Principal District Court
Perambalur.



WEB COPY



CRP (PD) No.2131 of 2021

R.SAKTHIVEL, J.

TK

CRP (PD) NO.2131 OF 2021

31.10.2025

Page No.14 of 14