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CRP.Nos.4473 & 4474 of 2025 and CMP.No.22806 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.Nos.4473 & 4474 of 2025

and

CMP.No.22806 of 2025

S.Anbzhagan

... Petitioner / Respondent /
Defendant in both CRPs

Versus

E.Natarajan

... Respondent / Petitioner /
Plaintiff in both CRPs

Common Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the CRP and set aside fair and decreetal order dated 07.02.2025 made in I.A.Nos.11 & 10 of 2024 in O.S.No.120 of 2019 passed by the III Additional District and Sessions Court, Tiruvallur, Poonamallee.

For Petitioner : Ms.S.Ambika in both CRPs

COMMON ORDER

Unsuccessful defendant has preferred the present Civil Revision Petitions.



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2. The suit in O.S.No.120 of 2019 on the file of the III Additional District and Sessions Court, Tiruvallur, Poonamallee filed for partition and separate possession of the plaintiff's share in the suit property. After completion of the recording of evidence, the case was posted for arguments on 11.03.2024. At this stage, the plaintiff has filed two applications in I.A.Nos.10 & 11 of 2024 in O.S.No.120 of 2019 under Section 151 of CPC and Order 11 Rule 16 r/w Section 151 of CPC for reopening the case and causing notice to the defendant for producing the documents as described in the petitions therein. Upon hearing either side, the Court below vide order dated 07.02.2025, allowed these petitions. Aggrieved over the same, the defendant has preferred the present Civil Revision Petitions.

3. The learned counsel appearing for the revision petitioner would submit that the documents sought by the plaintiff have already been marked as documents on the plaintiff side, and hence, there is no necessity for production of documents. The learned counsel further submits that the petitions have been filed without any valid reason and only for the purpose of delaying the proceedings.



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4. It is seen from the records, the plaintiff is the co-owner of the suit property and he has filed certified copies of the sale deed bearing document No.5140 of 2013, online patta, chitta, adangal extract, encumbrance certificate and electricity consumption card. It is also been stated that the originals of the documents are in the custody of the defendant. The original documents are essential to establish the case of the petitioner that he has half share in the suit property. It is the case of the plaintiff that the original of the documents as described in the petitions are much essential to prove his case and therefore, the documents are essential.

5. The said suit was posted for arguments on 11.03.2024. At this stage, these petitions came to be filed. The plaintiff can very well give notice directly to the defendant for producing the documents as described in the petitions. However, the plaintiff has approached the Court below seeking a direction to issue notice for the defendant to produce the documents. In order to provide an opportunity to establish the case of the plaintiff, an opportunity may be provided to the plaintiff to put forth his case effectively. It is seen from the records, the Court below has rightly allowed these applications for



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production of original documents in order to decide the real issue between the parties. Hence, the revision petitioner / defendant can very well produce those documents for perusal before the Court below.

6. With the above observation, these civil revision petitions stand disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

18.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The III Additional District and Sessions Court,

Tiruvallur, Poonamallee.



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M. JOTHIRAMAN, J.

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