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CRP.No.4541 of 2025 and C.M.P.No.23107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4541 of 2025

and

C.M.P.No.23107 of 2025

1. M.Jayammal
2. M.Reena
3. M.Naleenadevi
R.Bakkiyam (Died)

... Petitioners /
Defendants 1 to 3

Versus

S.Subramaniam

... Respondent / Plaintiff

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 13.02.2025 refusing to mark the documents in O.S.No.30 of 2017 on the file of learned II Additional District Judge, Tiruchengode by allowing this Civil Revision Petition.

For Petitioner : Mr.M.Guruprasad

ORDER

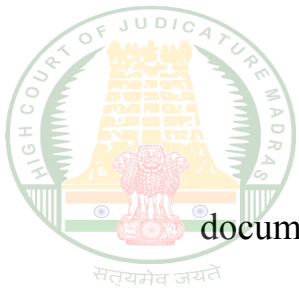
Unsuccessful defendants have filed the present Civil Revision Petition.



2. The suit in O.S.No.30 of 2017, on the file of the learned

II Additional District Court, Tiruchengode, is filed for recovery of money.

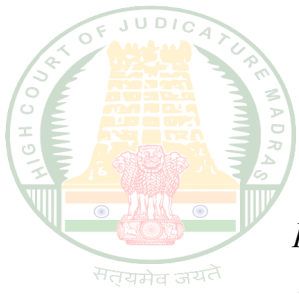
The defendants have filed written statement and necessary issues were framed. On the side of the plaintiff, plaintiff examined herself as PW1 and cross examined and thereafter, the case was posted for defendants' side evidence. At this stage, the defendants have filed I.A.No.1 of 2024 in O.S.No.30 of 2017, under Order VIII Rule 1 of CPC to condone the delay in filing the petition mentioned documents therein and grant leave to produce it as documentary evidence. Upon considering either side, the Court below vide order dated 30.10.2024 allowed the application. Thereafter, the second defendant / Reena has filed proof affidavit along with documents. The Court below after recording the proof affidavit as DW1 examination in chief and while marking the documents, the Court below observed that the Ex.P21 to Ex.P31 documents are relating to arbitration proceedings. Since the plaintiff side objected the documents, therefore, the documents cannot be marked and also observed that Ex.P33 to Ex.P36 documents related to the Judicial Proceedings concluded between the parties and that the plaintiff objected to mark the documents. Hence, the above said documents cannot be received as



documents. Aggrieved over the same, the defendants have filed the present Civil Revision Petition.

3. It is relevant to state that the documents can be received subject to proof, relevancy and admissibility of the documents. In this context, it is relevant to refer the judgments of Supreme Court reported in ***AIR 2001 SC 1158 Bipin Shantilal Panchal Vs. State of Gujarat***, wherein it has observed as follows:-

"14. When so recast, the practice which can be a better substitute is this : Whenever an objection is raised during evidence taking stage regarding the admissibility of any material or item of oral evidence the trial Court can make a note of such objection and mark the objected document tentatively as an exhibit in the case (or record the objected part of the oral evidence) subject to such objections to be decided at the last stage in the final judgment. If the Court finds at the final stage that the objection so raised is sustainable the judge or Magistrate can keep such evidence excluded from consideration. In our view, there is no illegality in adopting such a course. (However, we make it clear that if the objection relates to deficiency of stamp duty of a document, the Court has to decide the objection before



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proceeding further. For all other objections, the procedure suggested above can be followed.)

4. The documents can be received subject to proof, relevancy and admissibility of the documents and the objections can be noted, and such objections to be decided at the last stage in the final order / judgment.

5. Therefore, the Court below is directed to receive the documents subject to proof, relevancy and admissibility. Thereafter, the objections shall be considered in a manner known to law, while passing the final order / judgment.

6. With the above observation, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No



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To

The learned II Additional District Court,
Tiruchengode



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M. JOTHIRAMAN, J.

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