



A. No. 4073 of 2025 in
C.S. No. 929 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

A. No. 4073 of 2025

in

C.S. No. 929 of 2015

M.Muthukaruppan

...Applicant

Vs.

- 1.P.L.Alamelu
- 2.RM.Arunachalam
- 3.M.Ravi
- 4.M.Palaniappan
- 5.R.Alagammai

- 6.State Bank of India
Represented by its Branch Manager
Mandaveli Branch
"ALM Buildings" Ground Floor
Old No.28, New No.48
Venkatakrisna Road
Mandaveli, Chennai-600 004.

- 7.Bank of India
Rep. by its Branch Manager
Santhome Branch
Ground Floor, Old No.7, New No.11
Rosary Church Street, Santhome
Mylapore, Chennai-600 004.



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8. Jaya Priya Chit Funds Private Limited
Represented by its Managing Director
First Floor, Old No.7, New No.11
Rosary Church Street, Santhome
Mylapore, Chennai-600 004.
9. Innoart Technologies Pvt. Ltd.
Rep. by its Chief Executive Officer
Corporate Office
"ALM Buildings" First Floor
Old No.28, New No.48
Venkatakrishtna Road
Mandaveli, Chennai-600 028.
10. Global Institute of Gaming and Animation
Rep. by its Executive Officer
"ALM Buildings" First Floor
Old No.28, New No.48
Venkatakrishtna Road
Mandaveli, Chennai-600 028.
11. B. Puttanna
12. S.N. Venkata Rao
13. High Land Suits
Rep. by its Manager/ Proprietor
Old No.17, New No.25
American Colony, Crescent Road
Kumarapark East, Shivananda Circle
Bangalore – 560 001.

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the
Original Side Rules read with Order VIII Rule 1(a)3 of the Code of Civil



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Procedure, praying to grant leave to file the schedule mentioned documents in C.S. No. 929 of 2015 by the appellant.

For applicant : Mr.Avinashwadhvani

For Respondents : Mr.S.R.Raghunathan for Mr.V.Anilkumar

This application has been filed seeking to grant leave to file the schedule mentioned documents in C.S. No. 929 of 2015 by the appellant.

2. A family arrangement entered into between the plaintiff and the 1st, 3rd, 4th and 5th defendants by way of Memorandum of Compromise.

3. The learned counsel for the applicant /1st defendant submitted that his written statement filed in the year 2016 had been returned by the Registry and represented on 10.11.2016 and thereafter, it cannot be traced. On this account, a fresh written statement has been filed in the year 2023 and it had been returned and thereafter, it got misplaced and represented in the year 2023 and later, the written statement has been



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received on 22.06.2023. The family arrangement according to the applicant has been entered on 22.08.2021 and hence, at the time of filing the written statement, the said document cannot be filed along with the written statement.

4. It is further submitted by the applicant /1st defendant that the family arrangement now sought to be filed would itself give a quietus to the matter in issue raised in the plaint by the plaintiff and it is essential to receive the said document on the side of the 1st defendant.

5. The learned counsel for the 1st respondent /plaintiff filed his counter and objected for receipt of the said document by stating that it is an unregistered document, which cannot convey title to any of the parties and hence, the document itself is inadmissible.

6. He further submitted that the applicant /1st defendant has been playing all delay making tactics at every stage of the proceedings in order to continue his enjoyment in the property to the exclusion of the plaintiff



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and that cannot be encouraged.

7. It is true that the written statement of the 1st defendant has been received on 22.06.2023 despite the same had been initially filed and returned in the year 2016 itself. Now the document which sought to be received is said to be dated 22.08.2021 and it is claimed to be a family arrangement between the plaintiff and some of the defendants, viz., the 1st, 3rd, 4th and 5th defendants. Even the 1st defendant does not claim that it is a registered document which can effectively convey title in favour of the parties to the same.

8. It is needless to state that this kind of arrangements between the family members are just in order to have the convenient enjoyment of the family properties by the family members with an understanding. At the time when the actual partition is effected, it may or may not be possible to allot the properties found in the family arrangement to the respective shares of the parties to the partition. At any cost, the family arrangement is not a document conferring title or parties to the same and hence, the



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claim of the 1st defendant that the family arrangement will settle the issue involved in the suit filed by the plaintiff for partition cannot be accepted.

9. Admittedly, the document which is an unregistered one cannot be received or admitted during the suit proceedings. Had it been the suit for possession, it is understandable that the document can be of some relevance. The records show that the proceedings of this suit had been inordinately delayed and pending for nearly 10 years and still the examination of the witnesses itself has not been completed.

10. In such circumstances and also for the reasons stated above, I do not have to allow this application and eventually, this application is dismissed. No costs.

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R.N.MANJULA, J.

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