



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

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CRP.No.3894 of 2025
and CMP. No.20534 of 2025

G.Sampath

... Petitioner

Vs.

Arulmighu Sandhana Vinayagar Thirukoil
Rep. by its Managing Trustee,
Mr.R.Gnanasambanthan,
No.84, Old Mambalam Road,
West Saidapet, Chennai – 600 015.

... Respondent

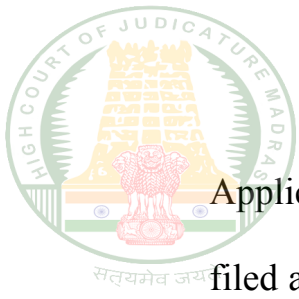
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order dated 07.08.2025 in returning unnumbered I.A. SR. No.44472 of 2025 in OS. No.5274 of 2017 on the file of XII Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Subramanian
for Mr.B.Ravi

For Respondent : Mr.J.Daniel,
Government Advocate (CS)

ORDER

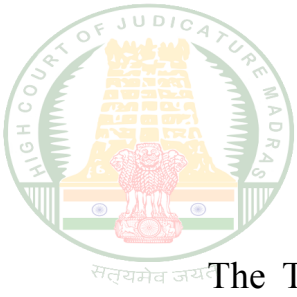
The revision has been filed challenging the return of I.A. SR. No.44472 of 2025 in OS. No.5274 of 2017 on the file of XII Assistant City Civil Court, Chennai filed under Section 63 of the Evidence Act, 1872. The



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Application was returned stating that the document which are sought to be filed are secondary evidence. The said return was complied and re-presented on 30.07.2025 stating that the photographs can be filed as secondary evidence under Section 63 of the Indian Evidence Act, 1872 and there was no requirement to file certified copies of the document pertained from the High Court where the originals are already available.

2. Despite the said compliance and re-presentation, the Court has once again returned the Application directing the petitioner to obtain certified copies from the High Court and file the same in the place of the photostat copies. The learned counsel petitioner has placed reliance in support of his contention that the petition is maintainable, the decision of this Court in *Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Limited*, reported in 2021 4 CTC 539, where this Court held that at the time on numbering of an Application, Court only performs a ministerial function and a judicial order cannot be passed as regards the genuineness of the document that is sought to be marked.



3. In the light of the above, this Civil Revision Petition is allowed.

The Trial Court is directed to number the Application, it is otherwise in order and proceed with trial. Consequently, connected Miscellaneous Petition is also closed. No costs.

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20.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

The XII Assistant City Civil Court,
Chennai.

P.B.BALAJI.J.,

3/6



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rkp

CRP.No.3894 of 2025
and CMP. No.20534 of 2025

20.08.2025



CRP No.3894 of 2025

P.B.BALAJI.,J

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The matter has been taken up today under the caption “For Being Mentioned”.

2. Registry is directed to add the following as Paragraph No.4 in the order dated 20.08.2025.

“ Registry is directed to return the original unnumbered I.A.SR.No.44472 of 2025 to the learned counsel for the petitioner”.

Registry is directed to issue fresh order copy.

07.10.2025

sr



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P.B.BALAJI.,J

sr

CRP No.3894 of 2025

07.10.2025