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CRP No. 4171 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP No. 4171 of 2025

and

CMP No.21447 of 2025

1. BANIBI

W/o Late Azen Sayabu,
Residing at Elrampattu Village,
Cuddalore Main Road, Tirukoilur
Taluk, Villupuram District

2. MUBARAK

S/o Late Azen Sayabu,
Res at Elrampattu Village,
Cuddalore Main Road,
Tirukoilur Taluk, Villupuram District

3.Sadham Hussein

S/o Late Azen Sayabu,
Res at Elrampattu Village, Cuddalore
Main Road, Tirukoilur Taluk,
Villupuram District

4. JERINABI

W/o Eesa,
Res at Elrampattu Village, Cuddalore
Main Road, Tirukoilur Taluk,
Villupuram District



5. DHILSHATH

W/o Muhammad Ali,
Mariyamman Kovil Street,
Chinnakolliur Village,
Sankarapuram Tk, Villupuram Dt

6. RAZIYABI

W/o Moosa,
Res at Elrampattu Village,
Cuddalore Main Road, Tirukoilur
Taluk, Villupuram District

Petitioners

Vs

1. Sayeed Kadhar Sayabu
S/o Kadharmasthan Sayabu,
Res at Siddhalingamadam Merku
Madura T.Edapalaym Village,
Tirukoilur Tk, Villupuram Dt

2. Sayeed Amanulla
S/o Kadharmasthan Sayabu,
Res at Siddhalingamadam Merku
Madura T.Edapalaym Village,
Tirukoilur Tk,
Villupuram Dt

Respondent(s)



PRAYER This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.07.2025 made in IA.No.683 of 2022 in IA.No.1756/2018 in OS.No.316 of 2018 on the file of the learned Principal District Munsif, Tirukoilur.

For Petitioner(s): Mr. J.Jayan

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 23.07.2025 made in IA.No.683 of 2022 in IA.No.1756/2018 in OS.No.316 of 2018 on the file of the learned Principal District Munsif, Tirukoilur.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The unsuccessful defendants have preferred this civil revision petition.

4. The suit in O.S.No.316 of 2018 has been filed by the plaintiffs for permanent injunction. Pending suit, the defendants have filed an application in I.A.No.683 of 2022 in I.A.No.1756 of 2018 in O.S.No.316 of 2018 under Order XI Rule 14 of the C.P.C., directing the first plaintiff to produce his passport.

The Court below after hearing the learned counsel on either side, dismissed the



said application vide impugned order dated 23.7.2025. Aggrieved by the same, this civil revision petition has been instituted.

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5. It is the case of the revision petitioners that the plaintiffs have filed an application in I.A.No.1756 of 2018 seeking temporary injunction. The defendants have also chosen to file their counter wherein, it has been stated that the first plaintiff/Mr.Sayed Kadhar Sayabu, was residing in abroad for the past 15 years, due to which, it is not possible for the first plaintiff to affix his signature in the plaint as well as in the affidavit filed along with the plaint. In order to establish the truth about the signature of the first plaintiff found in the plaint and other documents, it is necessary to direct the first plaintiff to produce the original passport before the Court below. The plaintiffs have raised their contentions that for deciding the issues involved in the suit, the passport pertaining to the first plaintiff is not necessary. The signature found in the plaint, affidavit and other documents are affixed only by the first plaintiff.

6. Learned counsel for the revision petitioners submitted that the first plaintiff was residing in abroad for the past 15 years and due to this reason, it is not possible for him to affix his signature in the plaint and affidavit filed along

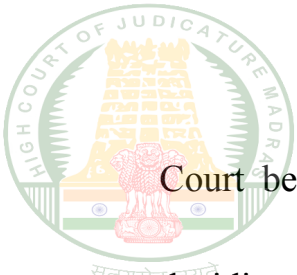


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with the plaint. In order to establish the truth before the Court below, it is necessary to produce the original passport pertains to the first plaintiff before the Court below. The Court below without considering the very controversial issues involved in the case, simply dismissed the application.

7. On a perusal of the records, more particularly, the impugned order, it has been stated that the suit and injunction petition were posted for appearance of the respondents/plaintiffs and the first respondent/first plaintiff appeared before the trial court and admitted about the institution of suit. After appearance of the first plaintiff only, the Court below has passed the order on merits in the temporary injunction petition filed by the plaintiffs in I.A.No.1756 of 2018 on 23.12.2022. It has also been observed that when the first plaintiff himself admitted the institution of the suit and the procedure provided under Order VI and Rule 14 of the C.P.C., is complied with, the Court below had disposed of the petition in I.A.No.1756 of 2018 on merits. Further, the Court below has found that production of the first plaintiff's passport is not necessary.

8. It is a well settled proposition of law that the plaintiff has to prove his case on his own strength and not on the weakness of the defendant's side. The



Court below has observed that production of passport is not necessary for deciding the issues involved between the parties in the suit.

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9. In view of the abovesaid facts and circumstances of the case, this Court does not find any reason to interfere with the impugned order passed by the Court below.

10. In view of the same, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Principal District Munsif, Tirukoilur



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M.JOTHIRAMAN J.

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