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CRP.No.4294 of 2025 and CMP.No.22034 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4294 of 2025

and

CMP.No.22034 of 2025

1. Kanagavalli
2. Anjali
3. Aravalli
4. Ezhumalai
5. Iyyappan
6. Sivalingam
7. Amutha

... Petitioners / Respondents / Plaintiffs
Versus

1. M.Pachayappan
2. Arumugam
3. Natarajan
4. Devaraj
5. Vinayagamoorthy
6. G.Pachayappan
7. Rathna

... Respondents / Petitioners / Defendants

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 16.07.2025 made in I.A.No.2 of 2025 in O.S.No.86 of 2022 on the file of the learned I Additional District Judge, Tindivanam, by allowing the Civil Revision Petition.

For Petitioners : Mr.S.Muthiah



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ORDER

Unsuccessful plaintiffs have preferred the present Civil Revision Petition.

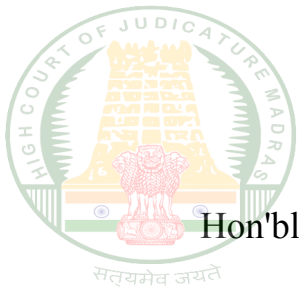
2. The suit in O.S.No.86 of 2022, on the file of the I Additional District Court, Tindivanam, is filed seeking a declaration and permanent injunction. After completion of plaintiff's side evidence, the suit is posted for evidence on the defendants' side. At that stage, the defendants had filed an application in I.A.No.2 of 2025 in O.S.No.86 of 2022 under Order VIII Rule 1 (A) (3) of the CPC, seeking leave to file additional documents. Upon hearing either side, the Court below *vide* order dated 16.07.2025, has allowed the application, on the ground that the proposed documents could be received subject to proof, relevancy and admissibility. Aggrieved over the same, the plaintiffs have preferred the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner would submit that the Rule 1A(3) of Order VIII of the CPC provides that the defendants shall enter such documents in a list and shall produce them in



Court, when the written statement is presented and shall at the same time deliver the documents and a copy thereof to be filed with the written statement. The defendants, however, did not produce a single document at the time of filing their written statement. The learned counsel further submits that, after the death of Govindasamy Gounder, the defendants taken custody of the documents belonging to the late Govindasamy Gounder, when no one was in the house of Govindasamy Gounder. These documents were filed subsequently by the defendants as their own evidence before the Trial Court by way of a petition filed under Order VIII Rule 1 A of the CPC. If the defendants are allowed to mark those documents, it would cause hardship and prejudice to the plaintiffs. Moreover, the documents sought to be marked are not relevant for deciding the case.

4. It is seen from the records that when the case was posted for the defendants' side evidence, at that stage, the defendants have filed the petition in I.A.No.2 of 2025 to condone the delay in filing 35 documents. It is further seen that some of these documents pertains to tax receipts, some of the documents pertains to legal notices issued by the parties concerned, and some of the documents pertains to Sale deeds. It is relevant to refer the Judgment of



Hon'ble Supreme Court in the case of ***Bipin Shantilal Panchal vs. State of***

Gujaraj and another reported in **2001 SCC Online SC 445**, the relevant

paragraph of the decision is extracted below:

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

In the light of the above proposition, it is to be noted that documents can be received subject to proof and relevancy.

5. In view of the above, there is no reason to interfere with the order



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passed in I.A.No.2 of 2025 in O.S.No.86 of 2022, dated 16.07.2025 on the file of the learned I Additional District Judge, Tindivanam.

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6. Considering that the suit was filed in 2022, the learned I Additional District Judge, Tindivanam, shall dispose of the suit in O.S.No.86 of 2022 as expeditiously as possible.

7. Accordingly, this Civil Revision petition is dismissed. Consequently, connected civil miscellaneous petition is closed. No costs.

11.09.2025

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Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

To

The learned I Additional District Judge, Tindivanam.



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M. JOTHIRAMAN, J.

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