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C.R.P.Nos.4444, 4445, 4446 & 4449 of 2025

DATED: 17-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP Nos.4444, 4445, 4446 & 4449 of 2025

and

CMP Nos.22748, 22749, 22752 & 22762 of 2025

1.Prema

W/o.Venkatesan,
Vembuliamman Koil Street, No.65, Orathur Village,
Sendivakkam Post, Madhurantakam Taluk,
Chengalpattu District.

2.Sethuram

S/o.Venkatesan,
Vembuliamman Koil Street, No.65, Orathur Village,
Sendivakkam Post, Madhurantakam Taluk,
Chengalpattu District.

3.Lekhasree

D/o.Venkatesan,
Vembuliamman Koil Street, No.65, Orathur Village,
Sendivakkam Post, Madhurantakam Taluk,
Chengalpattu District.

4.S.Amirtham

W/o.Samynatha,
No.65, Orathur Village, Sendivakkam Post,
Madhurantakam Taluk, Chengalpattu District.

Petitioner(s)/Defendants 2 to 5
in all petitions

Vs



C.R.P.Nos.4444, 4445, 4446 & 4449 of 2025

WEB COPY Kasiammal (Died)

1.M.N.Vedhachalam
S/o.T.Natesan,
South Street, Morapakkam Village,
Madurantakam Taluk and Firka,
Chengalpattu District.

2.S.Malarkodi
W/o.D.Sambantham,
No.36, Thennachalai Veedhi,
Sorapattu Village and Post, Thirakkanur (via),
Pondicherry - 605501.

3.R.Tamilselvi
W/o.Rajendran,
No.19, Jaisind Street, Pazhavanthangal,
Chennai - 600 114.

Respondent(s)/Plaintiff(s)
in all petitions

Prayer in CRP No.4444 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 01.09.2025 passed in I.A.No.18 of 2025 in O.S.No.250 of 2013 on the file of the District Munsif Court, Madurantakam.

Prayer in CRP No.4445 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 01.09.2025 passed in I.A.No.20 of 2025 in O.S.No.250 of 2013 on the file of the District Munsif Court, Madurantakam.

Prayer in CRP No.4446 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal



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order dated 01.09.2025 passed in I.A.No.21 of 2025 in O.S.No.250 of 2013 on the file of the District Munsif Court, Madurantakam.

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Prayer in CRP No.4449 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 01.09.2025 passed in I.A.No.19 of 2025 in O.S.No.250 of 2013 on the file of the District Munsif Court, Madurantakam.

For Petitioner(s)
in all petitions: Mr.R.Ragavendran

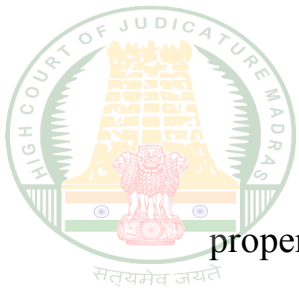
For Respondent(s)
in all petitions: Mr.V.B.Thirupathi Kumar

COMMON ORDER

Challenging the order dated 01.09.2025 passed in I.A.No.18, 19 & 20 of 2025 and I.A.No.21 of 2025, respectively, in O.S.No.250 of 2013 on the file of the District Munsif Court, Madurantakam, the revision petitioners/defendants 2 to 5 have preferred the present civil revision petitions.

2. For the sake of convenience, the parties will be referred to as per rankings in the trial Court.

3. The suit is filed to declare the plaintiffs' title to the suit



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property and grant consequential decree of permanent injunction; to declare the alleged power of attorney dated 04.02.2013 alleged to have been executed by the plaintiffs in favour of the first defendant as null and void; and to declare the sale deed dated 19.03.2013 executed by the first defendant in favour of Venkatesan (husband of the second defendant and father of the third and fourth defendants and son of the fifth defendant) as null and void.

4. The District Collector, Kancheepuram District and Tahsildar, Madurantakam, have also been shown as defendants 6 and 7 in the suit and they were set *ex parte*, since they have not chosen to appear before the trial Court. The first defendant also remained absent and therefore, set *ex parte*. The defendants 2 to 4 have filed their written statement and contested the suit. Necessary issues were framed and trial also commenced.

5. On the side of the plaintiffs, the deceased Kasiammal was examined as PW1 and Exs.A1 to A34 were marked. On the side of the defendants, the second defendant examined herself as DW1 and certain exhibits were marked.



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WEB COPY 6. Thereafter, the plaintiffs filed an application in I.A.No.14 of 2024 in O.S.No.250 of 2013 under Order XVI Rule 1 & 5 CPC to issue witness summons to J.Nishanthi, working as Sub-Inspector of Police, Finger Print Expert, to appear and give evidence to the report given in C.No.68/FPB/Civil/2024 dated 01.07.2024. Upon hearing either side, the Court below, *vide* order dated 18.03.2025, allowed the application. The aforesaid Finger Print Expert *viz.* J.Nishanthi was examined as CW1 and the expert opinion was marked as Court document Ex.C1. Thereafter, the case was posted for arguments. The learned counsel for the plaintiffs argued the matter on 17.07.2025 and thereafter, posted for defendants' side arguments. At that stage, the defendants 2 to 5 filed four interlocutory applications *viz.* I.A.No.18 of 2025 filed under Section 151 CPC to reopen the defendants' side evidence; I.A.No.19 of 2025 filed under Order XVIII Rule 17 r/w Section 151 CPC to recall DW1; I.A.No.20 of 2025 filed under Order VIII Rule 3(1-A) CPC to receive the documents; and I.A.No.21 of 2025 filed under Order XVI Rule 1 and 6 r/w Section 151 CPC to issue a witness summon to the Tahsildar, Madurantakam, to produce the documents.



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7. In those applications, the plaintiffs endorsed as “no counter”. Therefore, upon hearing the arguments of the defendants, the Court below, *vide* order dated 01.09.2025 dismissed all the applications on the ground that Ex.B4 is equivalent to Ex.A34 online patta no.176 stands in the name of the defendants 2 to 5 and further, the defendants were given sufficient opportunity for marking their documents. The Court below, further observed that the applications to mark patta and summon at the stage of arguments is not necessary, as patta has already been marked and therefore, the same have been filed only in order to prolong the case proceedings.

8. Aggrieved over the aforesaid order dated 01.09.2025, the revision petitioners/defendants 2 to 5 have preferred the present revision petitions.

9. The learned counsel appearing for the revision petitioners/defendants 2 to 5 would submit that the Court below failed to consider the fact that the defendants 2 to 5 have been diligently defending the suit without any delay or laches and hence, the trial Court ought to have permitted the revision petitioners/defendants 2 to 5 to



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reopen and recall DW1, receive additional documents and issue summons to Tahsildar, Madurantakam Taluk/sixth defendant, to produce adangal for the suit property from the year 2013-2025. The Court below also failed to consider the fact that the respondents/plaintiffs have made an endorsement “no counter” in all the applications and in absence of any objections, the trial Court ought to have granted the revision petitioners/defendants 2 to 5 an opportunity to substantiate their case. Further, in order to ensure substantiate justice, it is imperative that the parties are afforded sufficient opportunity to produce all relevant evidence and documents and by denying such opportunity, the trial Court has committed serious prejudice to the revision petitioners/defendants 2 to 5. Further, the documents sought to be produced by the revision petitioners/defendants 2 to 5 pertains to the patta in their favour and summon issued by the Tahsildar, Madurantakam Taluk/6th defendant and Revenue Divisional Officer, which are vital documents to establish the revision petitioners/defendants 2 to 5 right, title, interest and possession over the suit properties.

10. *Per contra*, the learned counsel appearing for the respondents/plaintiffs would submit that after hearing either side, the



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case has been posted for judgment. Further, he would submit that the document filed by the revision petitioners/defendants 2 to 5 marked as Ex.B4 patta stands in their favour, which is also equivalent to Ex.A34 marked on the side of the respondents/plaintiffs. The applications filed for marking patta and issuance of summons at the stage of arguments is unnecessary, as the patta has already been marked in the case and therefore, he seeks dismissal of these petitions.

11. It is seen from the affidavit filed by the first defendant in I.A.No.18 of 2025 in O.S.No.250 of 2013, wherein, it has been stated that the suit was posted for arguments on 17.07.2025 and on that day, the learned counsel appearing for the respondents/plaintiffs vehemently argued the matter by stating that the revision petitioners/defendants 2 to 5 are not in possession and enjoyment of the suit properties and the respondents/plaintiffs alone are in possession and enjoyment of the same. It is also stated that since the date of execution of sale deed dated 19.03.2013, the revision petitioners/defendants 2 to 5 are in joint possession and enjoyment and the Government has also recognized their title and possession by granting joint patta in their favour in patta no.176.

12. It is seen from the records that the respondents/plaintiffs



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have filed a writ petition before this Court in W.P.No.10282 of 2016 to cancel the patta, which stands in the name of the revision petitioners/defendants 2 to 5. It is also seen from the additional written statement filed by the second defendant, which was adopted by the defendants 3 to 5, that after the death of Kasiammal/PW1, the respondents/plaintiffs have no *locus standi* to defend the case or have any right or title over the suit property. Since the date of execution of sale deed dated 19.03.2013, the revision petitioners/defendants 2 to 5 have been in joint possession and enjoyment of the suit properties and the Government had also recognized their title and possession and granted joint patta to them under patta no.176.

13. At this juncture, the main grievance of the revision petitioners/defendants 2 to 5 is that in order to establish their title and possession over the suit properties, the patta reflecting their names as on date alone has to be marked in the suit. In order to establish the same, reopening the case and to call for the documents from the Tahsildar is very much necessary.

14. It is well settled that the burden of proof lies always on the



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plaintiffs to establish their case, if at all the onus shifts on the defendants,

the defendant has to prove the case. In the instant case on hand, evidence

has been completed on either side and the case was posted for arguments.

It is also not in dispute that Ex.B4 document is equivalent to Ex.A34

online patta no.176 stands in the name of the revision

petitioners/defendants 2 to 5, which reveals that the revision

petitioners/defendants 2 to 5 have been given sufficient opportunity for

establishing their case.

15. In such view of the matter, there is no reason warrants to interfere with the order impugned.

Hence, these civil revision petitions are dismissed. The Court below shall permit the revision petitioners/defendants to put forth their arguments. Upon hearing the arguments of the revision petitioners/defendants 2 to 5 and reply arguments, if any, by the respondents/plaintiffs, the trial Court shall dispose of the suit as expeditiously as possible. No costs. Connected C.M.Ps. are closed.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes;

Neutral Citation: Yes/No

nsd

To

The District Munsif,
Madurantakam.



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M.JOTHIRAMAN, J.

nsd

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17.09.2025