



CRP.Nos.4689, 4692 & 4693 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.Nos.4689, 4692 & 4693 of 2025

and

CMP.No.23747 of 2025

R.Ramesh

... Petitioner / 1st Respondent /
Plaintiff in all CRPs

Versus

1. R.Ravi

... 1st Respondent / Petitioner /
1st Defendant in all CRPs

2. R.Rama

... 2nd Respondent / 2nd Respondent /
2nd Defendant in all CRPs

Common Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and final order dated 05.11.2024 passed by the learned III Additional District Judge, Coimbatore in I.A.Nos.6, 7 and 8 of 2024 in O.S.No.43 of 2018.

For Petitioner : Mr.A.Sriram in all CRPs



COMMON ORDER

WEB COPY

Unsuccessful plaintiff has preferred the present Civil Revision Petitions.

2. Suit is filed for partition. The defendants filed their written statement, and necessary issues were framed. The evidence on both sides was completed. After the completion of the plaintiff's side arguments, the case was posted for the defendants' side arguments. At that stage, the first defendant filed the following three applications:-

(i) I.A.No.6 of 2024 in O.S.No.43 of 2018, under Section 151 of the CPC, to reopen the defendants' side evidence to adduce further evidence.

(ii) I.A.No.7 of 2024 in O.S.No.43 of 2018, under Order VII Rule 1A(3) of CPC read with Section 151 of the CPC, to condone the delay in producing the documents set out in the accompanying petition.

(iii) I.A.No.8 of 2024 in O.S.No.43 of 2018 under Order XVII Rule 17 of the CPC, to recall DW1 in the above suit to adduce further evidence.



3. Upon hearing either side, the Court below *vide* common order dated 05.11.2024, allowed all the applications. Aggrieved over the same, the revision petitioner / plaintiff has filed the present Civil Revision Petitions.

4. The learned counsel appearing for the revision petitioner / plaintiff would submit that the Court below failed to see that the application to receive the additional documents is not maintainable for the simple reason that the alleged document dated 30.06.2017 is inadmissible in evidence, as it requires registration under Sections 17 and 49 of the Registration Act. The learned counsel further submits that the Court below failed to consider that the suit was filed in the year 2018 seeking the relief of partition and that the case was posted for defendants' side arguments. At that stage, the applications were filed only to delay the proceedings and to fill up the lacuna in the defendants' case. However, the Court below, without assigning any valid reason, has erroneously allowed these petitions.

5. It is seen from the records that the suit has been filed for partition,



claiming a 1/3 share in the suit property. There is no pleading with respect to the document in question, and the said document is an unregistered one, hence, it cannot be admitted in evidence. It is well settled that when considering such objections, if it is found that the document relied upon by the petitioner is a memorandum of deposit of title deeds dated 30.06.2017, the issue of insufficient stamping can be decided at the time of admitting the document in evidence. In order to decide the real controversy between the parties, an opportunity may be provided to the parties to adduce their respective evidence. If such an opportunity is denied, the parties would be put to irreparable loss. Therefore, the Court below has rightly allowed the applications.

6. At this juncture, it may be apposite to cite the judgment of the Hon'ble Apex Court in **BIPIN SHANTILAL PANCHAL vs. STATE OF GUJARAT AND ANOTHER** reported in **2001 SCC Online SC 445** held at para 14, which reads as under:-

"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 or oral evidence the trial court can make a note of such objection and mark the objected document tentatively as



WEB COPY



CRP.Nos.4689, 4692 & 4693 of 2025

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)."

7. In view of the above, there is no reason to interfere with the order passed in I.A.Nos.6, 7 and 8 of 2024 in O.S.No.43 of 2018, dated 05.11.2024, on the file of the learned III Additional District Judge, Coimbatore.

8. Considering the age of the suit and also considering the stage of the proceedings, the learned III Additional District Judge, Coimbatore, is requested to dispose of the suit in O.S.No.43 of 2018 within a period of one month from the date of receipt of a copy of this order.

9. Accordingly, these Civil Revision petitions are dismissed. Consequently, connected civil miscellaneous petition is closed. No costs.



WEB COPY



CRP.Nos.4689, 4692 & 4693 of 2025

06.10.2025

av

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned III Additional District Judge, Coimbatore.

M. JOTHIRAMAN, J.

av

6/7



WEB COPY



CRP.Nos.4689, 4692 & 4693 of 2025

CRP.Nos.4689, 4692 & 4693 of 2025
and
CMP.No.23747 of 2025

06.10.2025