



C.R.P.(NPD) No.5077 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.B. BALAJI

C.R.P.(NPD) No.5077 of 2025

A.P.Uma

... Petitioner

Vs.

1. A.P.Uma
2. R.Kabilan
3. K.Shankar
4. The Joint-I Sub Registrar,  
Saidapet, Chennai South,  
Chennai
5. The Branch Manager,  
Central Bank of India, T.Nagar Branch,  
No.11, Rajabather street,  
T.Nagar, Chennai.
6. The Tahsildar,  
Sholinganallur Taluk,  
Sholinganallur,  
Chennai 600 119

... Respondents



**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 29.07.2025 passed in I.A.Sr.No.468 of 2025 in O.S.No.140 of 2018 on the file of the District Munsif-cum-Judicial Magistrate, Sholinganallur.

For Petitioner: Mr.P.Sesubalan Raja

For Respondent-4:Mr.N.Muthuvel

Government Advocate

### **ORDER**

This Civil Revision has been filed seeking to set aside the docket order dated 29.07.2025 passed in I.A.Sr.No.468 of 2025 in O.S.No.140 of 2018 on the file of the District Munsif-cum-Judicial Magistrate, Sholinganallur.

2. The revision petitioner is the plaintiff in O.S.No.140 of 2018 on the file of the Additional District Munsif, Alandur, which was subsequently transferred to the file of the District Munsif cum Judicial Magistrate, Sholinganallur. The suit was dismissed on 04.11.2023.



Thereafter, the revision petitioner filed a review petition in Sr.No.468 of 2025 seeking to review the judgment and decree dated 04.11.2023.

The said petition was rejected by the trial Court on 14.03.2024 on the ground of maintainability. Hence, she is before this Court.

3. I have heard Mr.P.Sesubalan Raja, learned counsel for the revision petitioner and Mr.N.Muthuvel, learned Government Advocate for the 4<sup>th</sup> respondent.

4. It is the case of the revision petitioner that the 1<sup>st</sup> respondent impersonated her and executed a settlement deed in favour of the 2<sup>nd</sup> respondent by falsely describing him as her husband. Thereafter, subsequent deeds came to be executed, which are under challenge in the present suit. Though the defendants were set ex-parte and the revision petitioner examined herself as P.W1, the trial Court dismissed the suit on the ground that the revision petitioner had not examined the 1<sup>st</sup> respondent to prove the cancellation deed executed by the 1<sup>st</sup> respondent.



5. It is the specific case of the revision petitioner is that a criminal complaint was lodged against the respondents 1 to 3 and during the course of the enquiry conducted by the police officials, the 1<sup>st</sup> respondent has come forward to execute a deed of cancellation of the settlement deed executed by her in favour of the 2<sup>nd</sup> respondent.

6. The learned counsel for the petitioner, by inviting the attention of this Court to Article 20(3) of the Constitution of India, submitted that no person accused of any offence shall be compelled to be a witness against himself. Relying on the said provision, he contended that the adverse finding of the trial Court that the petitioner had not examined the 1<sup>st</sup> respondent to prove the cancellation, per se amounts to ignorance of the rights enshrined in the Constitution of the India.

7. In this regard, the learned counsel for the petitioner relied upon the decision of the Hon'ble Supreme Court reported in **1966 SCC Online Cal 103 [Tinkari Sen and Others Vs Dulal Chandra Das and Others]** wherein it has been held that a decision erroneous in law is

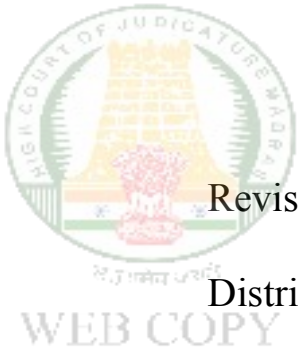


certainly no ground for ordering review. If the court has decided a point and decided it erroneously, the error could not be one apparent on the face of the record or even analogous to it. However, when the Court disposes of a case without advertent to or applying its mind to a provision of law which gives it jurisdiction to act in a particular way, that may certainly amount to an error analogous to one apparent on the face of the record sufficient to bring the case within the purview of Order 47 Rule 1 of C.P.C. The Hon'ble Supreme Court, in the judgment reported in **(2025) 4 SCC 509[Commissioner of Customs V Canon India Pvt.Ltd]** has approved the ratio laid down by the Calcutta High Court in the **Tinkari Sen** case (cited supra). Therefore, the contention of the learned counsel for the petitioner is that when the Court has not taken note of the embargo placed under Article 20(3) of the Constitution of India, which disentitles the revision petitioner from examining the 1<sup>st</sup> respondent, the same would certainly constitute a valid ground for review.



8. I have gone through the records and also the ex-parte judgment dismissing the suit filed by the revision petitioner. The revision petitioner has produced all the relevant documents, including the F.I.R as well as the cancellation deed executed by the 1<sup>st</sup> respondent. The trial Court has proceeded to non-suit the revision petitioner only on the ground that the cancellation deed had not been proved. I find that the cancellation deed is a registered document. In view of the inference drawn from Article 20(3) of the Constitution of India and settled position of law, when the Court does not consider the statutory legal provisions which direct the Court or authority to act in a specific manner, then a valid ground for review has been made out.

9. In view of the above, this Court is inclined to set aside the order of the trial Court in I.A.Sr.No.468 of 2025 and the same is accordingly set aside. In view of the fact that the review application was dismissed even at the numbering stage and that in the suit, the defendants were all set ex parte, this Court is inclined to dispense with the notice to the respondents in this revision. Consequently, this Civil



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Revision Petition is allowed and the matter is remitted to the learned District cum Judicial Magistrate, Sholinganallur to number I.A.Sr.No.468 of 2025 namely the review application, if it is otherwise in order and to decide the same on merits and in accordance with law as expeditiously as possible. No costs.

**28.10.2025**

Index : Yes/No  
Speaking Order : Yes / No  
srn

To

The District Munsif-cum-Judicial Magistrate,  
Sholinganallur.



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**P.B. BALAJI, J,**

srn

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