



CRP.Nos.4804, 4807 & 4809 of 2025 and CMP.Nos.24250, 24253 & 24255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.Nos.4804, 4807 & 4809 of 2025

and

CMP.Nos.24250, 24253 & 24255 of 2025

1. Abdul Samath
2. Shahitha Banu

... Petitioners / Petitioners / Plaintiffs
in all CRPs

Versus

1. The Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai, Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner (Enquiry),
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
3. The Assistant Commissioner,
Hindu Religious charitable Endowments Department,
Tiruvannamalai - 600 034.
4. Arulmigu Arunachaleswarar Temple,
Rep. by Joint Commissioner / Executive Officer,
Sannathi Street, Thiruvannamalai - 606 601.
5. Arulmigu Arunachaleswarar Temple,
Nochimalai Village, Thiruvannamalai - 606 611.

... Respondents / Respondents / Defendants
in all CRPs

Common Prayer:- Civil Revision Petition filed under Article 227 of the



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Constitution of India, to set aside the order passed in I.A.Nos.3, 4 & 5 of 2025 in OS.No.235 of 2022 dated 18.09.2025 passed by the learned District Court of Tiruvannamalai.

For Petitioners : Mr.C.Suraj in all CRPs

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE) in all CRPs

COMMON ORDER

Unsuccessful plaintiffs have preferred the present Civil Revision Petitions.

2. The suit in O.S.No.235 of 2022 was filed seeking a declaration that the first plaintiff / Abdul Samath, has absolute title and ownership over the suit schedule property, and to consequently, for a permanent injunction restraining the defendants 1 to 5. The defendants filed their written statement, and necessary issues were framed. On the side of the plaintiffs, PW1 was examined and cross-examined. On the side of the defendants, DW1 was examined, and the case was posted for further evidence of defendants' side.

At that stage, the defendants filed the following three applications:-

(i) I.A.No.3 of 2025 in O.S.No.235 of 2022, under Section 151 of CPC, to reopen the case for recall of DW1 and for marking additional document.

(ii) I.A.No.4 of 2025 in O.S.No.235 of 2022, under Order XVIII Rule



17 of the CPC, to recall DW1 for adducing additional evidence.

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(iii) I.A.No.5 of 2025 in O.S.No.235 of 2022, under Order VII Rule 1 of the CPC, to receive additional documents on the side of the defendants.

3. Upon hearing either side, the Court below, *vide* order dated 18.09.2025, allowed all the applications by separate orders. Aggrieved over the same, the plaintiffs have preferred the present Civil Revision Petitions.

4. The learned counsel appearing for the petitioners would submit that the suit is at the advance stage and the additional documents sought to be produced at the stage of recalling DW1 are unsustainable in law. The proposed document titled "Inam Fair Register" is not a genuine one and cannot be marked at this belated stage. The petitions have been filed only to fill up the lacuna in the defendants' case, which is impermissible in law. The learned counsel for the petitioners further would submit that the respondents / defendants have failed to show sufficient cause for not filing such documents at an earlier occasion, nor have they given any proper explanation as to why the document was not filed at the time of submitting the written statement or proof affidavit. It has also not been stated how or when the said document



came into their possession.

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5. Per contra, the learned Special Government Pleader appearing for the respondents / defendants submitted that in order to decide the real question in controversy between the parties, an opportunity may be provided to defendants to defend their case. Considering the facts and circumstances of the case, the Court below has rightly allowed these applications, and there is no reason warrant for interference.

6. It is seen from the records that the suit was at the stage of defendants' side evidence. It is seen from the written statement filed by the third defendant, particularly in paragraph No.4, that the property in question was allowed to be enjoyed as a service Maniyam to one Amirtha Ganesa Gurukkal. It is further stated that the said Amirtha Ganesa Gurukkal had stealthily transferred the patta in his individual name and created documents to give an appearance of legitimacy to his false claim. It has also been stated that the property in question was never assigned to any individual, as it was allotted as a service Maniyam, and hence it cannot be concerted into a private property.



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7. 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 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)."

8. In view of the above, there is no reason to interfere with the order passed in I.A.Nos.3, 4 & 5 of 2025 in O.S.No.235 of 2022, dated 18.09.2025, on the file of learned District Court, Tiruvannamalai.

9. Considering the age of the case and considering the stage of the



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proceedings, the learned District Court, Tiruvannamalai, is requested to dispose of the O.S.No.235 of 2022 as expeditiously as possible.

10. Accordingly, these Civil Revision petitions are dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

07.10.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned District Court, Tiruvannamalai.

M. JOTHIRAMAN, J.

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