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O.S.A.No.365 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

O.S.A.No.365 of 2025

and

C.M.P.No.30408 of 2025

Rt.Rev.A.C.Solomon Raj
S/o. Late Rev.A.C.Dayanand,
10-3-165, Old Lancer Lane,
Secundrabad – 500 025,
Telengana.

[Cause title accepted vide order of Court dated 10.11.2025
made in C.M.P.No.27334 of 2025.]

...Appellant

Vs.

S.M.Chandra (Deceased)

1.Pulukuri Simeon Titus

2.M.D.Suvarna Rao

3.V.S.Naveen Shailender

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4.Tallari Prashanth Kumar

5.Church of South India Synod,
Rep. by its Moderator
CSI Synod Secretariat CSI Centre,
No.5, Whites Road,
Royapettah, Chennai – 600 014.

6.Church of South India Synod Executive Committee,
Rep. by its General Secretary,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.

7.Church of South India Synod (Working Committee),
Rep. by its General Secretary,
CSI Synod Secretariat CSI Centre,
No.5, Whites Road, Royapetta,
Chennai – 600 014.

8.Moderator,
Church of South India CSI Synod Secretariat,
CSI Centre, No.5, Whites Road,
Royapettah, Chennai – 600 014.

9.Board of Appointment of Bishop for Medak Diocese,
Rep. by its Chairman/ Moderator,
CSI Synod Secretariat CSI Centre,
No.5, Whites Road, Royapettah,



Chennai – 600 014.

10.CSI Medak Diocese,

Rep. by its Bishop Diocesan Office,
1-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.

11.CSI Medak Diocesan Council,

Rep. by its Bishop/ President Diocesan Office,
10-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.

12.CSI Medak Diocese Executive Committee,

Rep. by its President/ Bishop Diocesan Office,
10-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.

13.CSI Medak Diocese Administrative Committee,

Rep. by its Chairman Diocesan office,
10-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.

...Respondents

PRAYER: This Original Side Appeal filed under Order XXXVI Rule 9 read with Clause 15 of Letters Patent, praying to allow the Original Side Appeal by setting aside the order dated 29.07.2025 passed in memo dated 26.07.2025 in C.S.No.237 of 2022.

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For Appellant : Mr.P.Satheesh Kumar

For Respondents : Ms.Dhaaranee.K

For Mr.Avinash Wadhwani for R1 to R4

J U D G M E N T

(Judgment of the Court was delivered by C.KUMARAPPAN, J.)

The present Original Side Appeal is arising against the order of the learned Single Judge passed in C.S.No.237 of 2022 dated 26.07.2025.

The short issue that had been considered by the learned Single Judge is in respect of admissibility of Xerox copies of the documents.

2. The learned counsel for the appellant would submit that the conclusion arrived at by the learned Single Judge is contrary to the decisions of the Hon'ble Supreme Court in ***Shalimar Chemical Works Limited Vs. Surendra Oil and Dal Mills (Refineries) and others***¹ and ***Nandkishore Lalbhai Mehta Vs. New Era Fabrics Private Limited and***

¹ ***(2010) 8 Supreme Court Cases 423***



others². The specific submission of the learned counsel for the appellant is that the documents which were sought to be marked by the plaintiff was only a Xerox copy, therefore the admissibility of the document must be gone into before the document is admitted in evidence. He would further submit that in view of the above Supreme Court judgment, the judgment which is relied by the respondents qua the judgment in **Bipin Shantilal Panchal Vs. State of Gujarat and another**³ is not applicable to the present facts of the case. However, the learned Single Judge by relying upon the judgment in **Bipin Shantilal Panchal (supra)** had directed the Master to proceed with marking of documents. According to the appellant, such an order is contrary to law.

3. We have given our anxious consideration to either side submissions. The very issue raised by the appellant is in respect of marking of Xerox copy. The learned counsel has categorically admitted

² **(2015) 9 Supreme Court Cases 755**

³ **(2001) 3 Supreme Court Cases 1**



that the Xerox copy though secondary evidence since because it is a Xerox copy, it cannot be marked and the admissibility has to be decided then and there. Though the learned counsel for the appellant relied on the judgments of **Shalimar Chemical Works Limited** and **Nandkishore Lalbhai Mehta** cited *supra*, those judgments have been decided by two Hon'ble Judges, whereas, **Bipin Shantilal Panchal** (*supra*) was decided by three Hon'ble judges. In **Bipin Shantilal Panchal** (*supra*) it has been categorically held that wherever objection is made in respect of admissibility of document, unless the question of deficiency of stamp duty of a document is raised, the same has to be considered at the stage of final conclusion of the case. In the case in hand, the learned Single Judge by relying upon the **Bipin Shantilal Panchal** (*supra*) has arrived at a correct conclusion that the trial can be proceeded by recording objections made by the parties. We do not find any infirmity in the order of the learned Single Judge.



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4. In the result, the Original Side Appeal is **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.K., J.)

05.12.2025

dsa

Internet :Yes

Index :Yes

Neutral Citation :Yes

To:

1.Moderator

Church of South India Synod,
CSI Synod Secretariat CSI Centre,
No.5, Whites Road,
Royapettah, Chennai – 600 014.

2.General Secretary,

Church of South India Synod Executive Committee,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.

3.General Secretary,

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Church of South India Synod (Working Committee),
CSI Synod Secretariat CSI Centre,
No.5, Whites Road, Royapetta,
Chennai – 600 014.

- 4.Moderator,
Church of South India CSI Synod Secretariat,
CSI Centre, No.5, Whites Road,
Royapettah, Chennai – 600 014.
- 5.Chairman/ Moderator,
Board of Appointment of Bishop for Medak Diocese,
CSI Synod Secretariat CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.
- 6.Bishop Diocesan Office,
CSI Medak Diocese,
1-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.



7.Bishop/ President Diocesan Office,
CSI Medak Diocesan Council,
10-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.

8.President/ Bishop Diocesan Office,
CSI Medak Diocese Executive Committee,
10-3-165, Old Lancer Lane,
Secundrabad – 500 025, Telengana.

9.Chairman Diocesan office,
CSI Medak Diocese Administrative Committee,
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