



C.R.P.No.5573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5573 of 2025

and

C.M.P.No.27947 of 2025

1.G.Kesavan

2.K.Vijay Balaji

3.K.Prabhu

... Petitioners

VS.

1.G.Gajapathy

2.Deputy Inspector General of Registration,
Santhome, Chennai – 600 004.

3.The District Registrar,
Central Chennai, Bharathi Salai,
Chennai – 600 005

4.The Sub-Registrar,
Periamet Sub-Registrar Office,
Periamet, Chennai – 600 003.

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 02.09.2025 passed in the memo dated 01.08.2025 in O.S.No.2461 of 2022 by learned XXIII Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.P.K.Sabapathi

For R2 to R4 : Mr.D.Gopal
Government Advocate (CS)

ORDER

The Civil Revision Petition is filed challenging the docket order passed by the XXIII Assistant Judge, City Civil Court, Chennai, dated 02.09.2025.

2. Mr.D.Gopal, learned Government Advocate (CS) takes notice for the respondents 2 to 4.



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3. The petitioners are the defendants 1 to 3 in the suit. The 1st respondent herein filed a suit for declaration that Settlement Deed dated 17.11.2011 executed by 1st defendant in favour of defendants 2 and 3 was null and void and not binding upon the plaintiff and for permanent injunction restraining defendants from dealing with the suit property by encumbering the same.

4. The trial in the suit is commenced. PW.1 is on box. At that stage, the plaintiff wanted to rely on a Compromise Memo dated 28.03.2003 and the Compromise Decree dated 03.02.2005 passed in O.S.No.4874 of 1998 on the file of I Assistant City Civil Court, Chennai was produced before the Court. The petitioners herein filed impugned memo disputing the genuineness of the compromise memo produced by the plaintiff. Therefore, the Trial Court passed impugned docket order stating that the genuineness of the compromise memo filed by the plaintiff could not be decided at that stage and directed the petitioners/defendants to file a petition under Order 13 Rule 10 of Civil Procedure Code to sent for the records relating to suit in O.S.No.4874 of 1998. After passing the order, the memo was closed. Aggrieved by the same, the petitioner has come before this Court.



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5. The learned counsel appearing for the petitioners submits that the petitioner dispute the genuineness of the compromise deed relied on by the plaintiff. Therefore, the order passed by the Trial Court closing the memo filed by the petitioners will cause irreparable loss or hardship to the petitioners.

6. It is seen from the typed set of papers that the petitioners have been given liberty to file appropriate application to call for the records from the concerned court and also it was informed by the learned counsel appearing for the petitioners that he already filed an application to sent for the document from the concerned Court and the documents are also been produced before the Trial Court. Therefore, if the plaintiff attempts to mark the disputed compromise memo and compromise deed dated 05.02.2003 through PW.1, the petitioners are at liberty to object to the marking. The Court below can mark the document subject to the objection made by the petitioners and the tenability of the objection and genuineness of the document can be decided at the time of final disposal.



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7. Both the parties are at liberty to advance the arguments on the

genuineness of the document.

8. With this clarification, the Civil Revision Petition is closed. No

costs. Consequently, the connected civil miscellaneous petition is closed.

12.11.2025

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

dm

To

The XXIII Assistant Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

dm

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