



O.S.A.No.366 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

O.S.A.No.366 of 2025

and

C.M.P.No.30607 of 2025

M.Muthukaruppan

...Appellant

Vs.

1.P.L.Alamelu

2,R.M.Arunachalam

3.M.Ravi

4.M.Palaniappan

5.R.Alagammai

6.State Bank of India,
Rep. by its Branch Manager,
Mandaveli Branch,
“ALM Buildings”, Ground Floor,
Old No.28, New No.48,

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Venkatakrishna Road,
Mandaveli, Chennai – 600 004.

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7. Bank of India,
Rep. by its Branch Manager,
Santhome Branch,
Ground Floor, Old NO.7, New No.11,
Rosary Church Street, Santhome,
Mylapore, Chennai – 600 004.
8. Jaya Priya Chit Funds Private Limited,
Rep. by its Managing Director,
First Floor, Old No.7, New No.11,
Rosary Church Street, Santhome,
Mylapore, Chennai – 600 004.
9. Innoart Technologies Pvt. Ltd.,
Rep. by its Chief Executive Officer,
Corporation Office,
“ALM Building” First Floor,
Old No.28, New No.48,
Venkatakrishna Road,
Mandaveli, Chennai – 600 028.
10. Global Institute of Gaming and Animation,
Rep. by its Executive Officer,
“ALM Buildings”, First Floor,
Old No.28, New No.48,
Venkatakrishna Road,
Mandaveli, Chennai – 600 028.



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11.B.Puttanna

12.S.N.Venkata Rao

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13.High Land Suits,
Rep. by its Manager/ Proprietor,
Old No.17, New No.25,
American Colony, Crescent Road,
Kumarapark East, Shivananda Circle,
Bangalore – 560 001.

...Respondents

PRAYER: This Original Side Appeal filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent, praying to set aside the fair and decreetal order dated 02.09.2025 in A.No.4073 of 2025 in C.S.No.929 of 2015.



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For Appellant : Mr.V.Raghavachari, Senior Counsel
for Mrs.V.Srimathi

For Respondent : Mr.S.R.Raghunathan,
For Mr.K.V.Karthik Subramannian for R1

J U D G M E N T

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

The present Original Side Appeal is filed against the order of the learned Single Judge in A.No.4073 of 2025, in and by which, the leave sought for marking the family arrangement dated 22.08.2021 was rejected.

2. The learned Senior Counsel appearing for the appellant would vehemently submit that the very order of the learned Single Judge is contrary to the judgment of the Hon'ble Supreme Court and whatever finding rendered by the learned Single Judge is on merits, which cannot be done at the time of seeking leave of the Court to file an additional

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document.

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3. This contention of the learned Senior counsel for the appellant was stoutly objected by the learned counsel for the 1st respondent by contending that the petitioner has been dragging the matter for 10 years and even for examination of P.W.1 witness, they took more than a year and the witness was made to wait till evening and they have not cooperated with proceeding with the trial. Apart from that, the learned counsel for the respondent would also submit that the very family arrangement dated 22.08.2021 is an unregistered document. Therefore, the same cannot be received in evidence. In support of his submission he would rely upon the Division Bench judgment of this Court in ***R.Deivanai Ammal (Died) and another Vs. G.Meenakshi Ammal and others***¹.

Hence, prayed to dismiss the OSA.

¹**2004 (4) CTC 208**



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4. We have given our anxious consideration to either side submissions.

5. While looking into the facts of the case, the very prayer sought for in the application is to mark an unregistered family arrangement dated 22.08.2021. The learned Single Judge while adjudicating upon the matter has gone into the merits of the matter and ultimately found that the family arrangement dated 22.08.2021 could not be marked. We respectfully disagree with the said finding, in view of the judgment of the Hon'ble Supreme Court in ***Bipin Shantilal Panchal Vs. State of Gujarat and another***². Though the learned counsel for the respondent would rely upon the Division Bench judgment of this Court, the Division Bench did not take into consideration of the above Supreme Court judgment. Therefore, the judgment relied by the respondent will be of no use for them.

² ***(2001) 3 Supreme Court Cases 1***



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6. In view of the judgment of the Hon'ble Supreme Court in **Bipin Shantilal Panchal** case (cited *supra*), we are of the firm view that the present Original Side Appeal may be allowed with a direction to mark the family arrangement dated 22.08.2021 with all the objections raised by the respondents and the same may be received in evidence subject to its proof and relevance. Today, we are also recording the undertaking given by both the learned counsel appearing for the petitioner and respondents to conclude the trial within a period of one month. If in any case the appellant herein is not cooperating to conclude the trial within the period of one month, then the learned Single Judge is requested to proceed with the matter in the absence of the appellant herein, and by imposing heavy costs.

7. Accordingly, the order dated 02.09.2025 in A.No.4073 of 2025 in



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C.S.No.929 of 2015 is set aside and the present Original Side Appeal is

allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

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

08.12.2025

dsa

Internet :Yes/No

Index :Yes/No

Neutral Citation :Yes/No

To:

1.Branch Manager,
State Bank of India,
Mandaveli Branch,
“ALM Buildings”, Ground Floor,
Old No.28, New No.48,
Venkatakrishna Road,
Mandaveli, Chennai – 600 004.

2.Branch Manager,
Bank of India,
Santhome Branch,
Ground Floor, Old NO.7, New No.11,
Rosary Church Street, Santhome,
Mylapore, Chennai – 600 004.

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- 3.Managing Director,
Jaya Priya Chit Funds Private Limited,
First Floor, Old No.7, New No.11,
Rosary Church Street, Santhome,
Mylapore, Chennai – 600 004.

- 4.Chief Executive Officer,
Innoart Technologies Pvt. Ltd.,
Corporation Office,
“ALM Building” First Floor,
Old No.28, New No.48,
Venkatakrishtna Road,
Mandaveli, Chennai – 600 028.

5. Executive Officer,
Global Institute of Gaming and Animation,
“ALM Buildings”, First Floor,
Old No.28, New No.48,
Venkatakrishtna Road,
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and
C.KUMARAPPAN, J.

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