



C.R.P.(PD)(MD).No.2090 to 2092 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.2090 to 2092 of 2025

and

C.M.P.(MD)Nos.12172, 12173 and 12174 of 2025

Kanakaraj

... Petitioner in all petitions

Vs.

1.Muthulakshmi

2.Ramakrishnan

... Respondents in all petitions

COMMON PRAYER: Civil Revision Petitions - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.03.2025 passed in I.A.Nos.4 to 6 of 2025 in O.S.No.315 of 2019 on the file of the Principal Sub Court, Tirunelveli.

In all petitions:

For Petitioner : Mr.S.Velrajan

For Respondents : Mr.Sanjay Sundharam



C.R.P.(PD)(MD).No.2090 to 2092 of 2025

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COMMON ORDER

These Civil Revision Petitions are filed challenging the order dated 13.03.2025 passed in I.A.Nos.4 to 6 of 2025 in O.S.No.315 of 2019 on the file of the Principal Sub Court, Tirunelveli.

2.The petitioner in all these petitions is the plaintiff in O.S.No.315 of 2019 filed for declaration declaring the suit schedule property belongs to the petitioner and for permanent injunction. In that suit, the petitioner filed interlocutory applications in I.A.Nos.4 to 6 for marking of additional documents, recalling and reopening the evidence of P.W.1. The said applications were dismissed. Challenging the same, the present Civil Revision Petitions are filed.

3.The learned counsel for the petitioner submits that the subject property was purchased by the father of the plaintiff on 19.07.1982 by way of a registered sale deed from the mother of the first defendant. Thereafter, the father of the petitioner executed a registered settlement deed in favour of the petitioner on 26.05.2014. At the time of filing of the suit, the petitioner was



C.R.P.(PD)(MD).No.2090 to 2092 of 2025

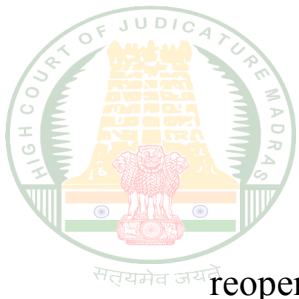
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not able to trace the document stood in the name of the petitioner's father and now only, he obtained the said document. Thereby, the petitioner filed the present applications. The trial Court without considering all these aspects has dismissed the applications filed by the petitioner stating that the petitioner has not given any explanation as to how he traced the said document and the same is not sustainable. Hence, he seeks for appropriate orders.

4. Whereas, the learned counsel for the respondents vehemently opposed the contentions put forth by the petitioner and submitted that the petitioner has not marked the said documents at the time of evidence. In such circumstances, reopening of the petitioner side evidence for marking the documents is unnecessary and the applications have been filed only to drag on the proceedings.

5. Considered the rival submissions made on either side and perused the materials placed on record.

6. Admittedly, the petitioner filed the suit for declaration as against the respondents herein. In that suit, the petitioner filed applications to recall,



C.R.P.(PD)(MD).No.2090 to 2092 of 2025

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reopen and to mark additional documents. The claim of the petitioner is that at the time of filing the suit or at the time of evidence, the petitioner was not able to trace the document, which is stated to be executed by the mother of the first defendant in favour of the petitioner's father.

7.The entire case of the petitioner rests upon the sale deed stands in the name of the petitioner's father. In the plaint also, there are pleadings with regard to the said document. Accordingly, no prejudice would be caused to the defendants by marking of the said document. Therefore, this Court is inclined to interfere with the order passed by the trial Court.

8.Accordingly, these Civil Revision Petitions are allowed and the orders passed in I.A.Nos.4 to 6 are hereby set aside. The respondents/defendants are at liberty to canvass all the grounds raised herein before the trial Court at the time of trial. No costs. Consequently, connected miscellaneous petitions are closed.

14.08.2025

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C.R.P.(PD)(MD).No.2090 to 2092 of 2025

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To

1. The Principal Sub Court, Tirunelveli.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(PD)(MD).No.2090 to 2092 of 2025

M.DHANDAPANI,J.

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C.R.P.(PD)(MD)Nos.2090 to 2092 of 2025

14.08.2025