



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2207 of 2025

and

C.M.P.(MD).No.13076 of 2025

1.Anburajakumari

2.Sam Deva Thaya Wilson

3.Christina Mercy Wilson

4.Gnanam

...Petitioners

Vs.

Ravi Gnanadhas

...Respondent

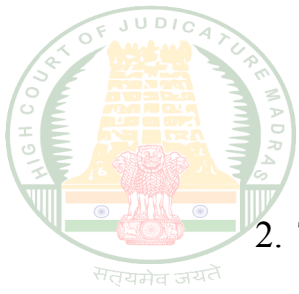
PRAYER: Civil Revision Petition is filed under under Article 227 of Constitution of India to call for the records and set aside the order passed in I.A.No.9 of 2025 in O.S.No.452 of 2012, dated 14.07.2025 on the file of the I Additional District Munsif, Nagercoil.

For Petitioners : Mr.R.Suresh Kumar

For Respondent : Ms.R.Jenifer Bibin

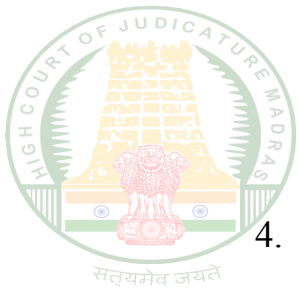
ORDER

This petition has been filed seeking to set aside the order passed in I.A.No.9 of 2025 in O.S.No.452 of 2012, dated 14.07.2025 on the file of the I Additional District Munsif, Nagercoil.



2. The respondent herein filed a suit in O.S.No.452 of 2012 before the trial Court, seeking mandatory injunction and permanent injunction. Pending suit, the petitioners herein filed an interlocutory application in I.A.No.9 of 2025 under Order XII Rule 2 CPC, seeking permission to issue notice to the respondent to admit the certified copies of the judgments passed in O.S.No.505 of 1997 by the Principal District Munsif Court, Nagercoil, and in A.S.No.81 of 1998 by the Principal Sub Court, Nagercoil. The said application was dismissed on 14.07.2025. Aggrieved thereby, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that the trial Court dismissed the application solely on the ground that the respondent / plaintiff, during cross-examination, stated that he had no knowledge about the judgment and decree passed in the previous case. He would further submit that whenever a party files an application under Order XII Rule 2 CPC along with certified copies of judgments and decrees passed by competent Courts, such documents can be placed on record for admission. The contents of the judgments may be considered at the stage of arguments or trial, but the right to seek admission cannot be denied merely because the opposite party feigns ignorance of such decrees. Hence, the order of the trial Court warrants interference.



4. Per contra, the learned counsel appearing for the respondent would submit that the documents filed by the petitioners do not bear proper seals or certification. He would add that, if certified copies are in fact available, the trial Court may be directed to verify them and, if found genuine, permit them to be marked for the purpose of evidence.

5. This Court has considered the rival submissions of the learned counsel on either side and carefully perused the materials placed on record. It is evident that the petitioners have sought to issue notice under Order XII Rule 2 CPC only to facilitate admission or denial of certified copies of judgments and decrees passed by competent Courts. Such a right cannot be denied merely on the ground that the respondent claimed ignorance in cross-examination. The trial Court, in dismissing the application on that basis, has failed to exercise jurisdiction properly.

6. Accordingly, the order dated 14.07.2025 passed in I.A.No.9 of 2025 in O.S.No.452 of 2012 by the learned I Additional District Munsif, Nagercoil, is set aside. The trial Court is directed to issue notice under Order XII Rule 2 CPC as prayed for by the petitioners, and on receipt of the same, to proceed in accordance with law. It is further directed that if certified copies of the decrees are produced, the trial Court shall verify their authenticity and, if found



genuine, permit them to be marked for the purpose of evidence at the appropriate stage. Since the suit is of the year 2012, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

7. In the result, the Civil Revision Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

28.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The I Additional District Munsif Court, Nagercoil.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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