



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.199 of 2017

and

C.M.P.(MD).No.909 of 2017

Kathirava Adhithan

...Petitioner

Vs.

- 1.Ramachandran
- 2.Ponnu Perumal (died)
- 3.Ganesan
- 4.Beach Mineral Company India Limited,
through its Managing Director,
Sugumar
- 5.Sub Registrar,
Sub Registrar's Office,
Kommadikkottai,
Santhankulam Taluk,
Tuticorin District.
- 6.The Tamil Nadu Government,
through its District Collector,
Tuticorin.
- 7.Rathinakumari
- 8.Velavakantha Easwaran
- 9.Chirtrambalam
- 10.Pattu
- 11.Arumugakani



12.Rethinakani

...Respondents

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(Respondent Nos.7 to 12 were brought on record as legal representative of the deceased second respondent vide order of this Court dated 09.06.2025 in C.M.P.(MD).Nos.18404 to 18406 of 2025 in C.M.P.(MD).Nos.199 of 2017)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 30.10.2016 passed in I.A.No.305 of 2016 in O.S.No.20 of 2007 on the file of the learned District Munsif, Sathankulam by allowing this petition.

For Petitioner : Mr.M.P.Senthil

For R-1 : No Appearance

R-2 : Died

For R-3 & R-4 : Mr.S.R.Anbarasu

For R-5 & R-6 : Mr.B.Saravanan,

Additional Government Pleader

* * * * *

ORDER

This petition has been filed seeking orders to set aside the fair and decreetal order dated 30.10.2016 passed in I.A.No.305 of 2016 in O.S.No.20 of 2007 on the file of the learned District Munsif, Sathankulam.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a plaintiff in O.S.No.20 of 2007 before the learned District Munsif,



Sathankulam, seeking declaration and consequential injunction in respect of the sale deed dated 11.05.2006 executed by respondent Nos.1 to 4 / defendant Nos. 1 to 4, and for the same to be declared null and void in accordance with law.

During the pendency of the suit, the petitioner filed I.A. No. 305 of 2016 to mark the unregistered partition deed dated 08.08.1973 as secondary evidence under Section 65 of the Indian Evidence Act, and the same was rejected by the trial Court on 30.11.2016. Challenging the same, the present petition has been filed.

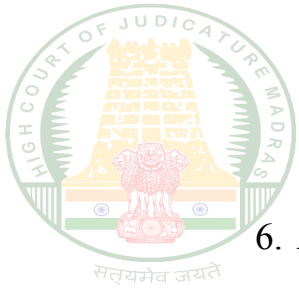
3. The learned counsel appearing for the petitioner would submit that the unregistered partition deed dated 08.08.1973 was intended to be marked by the petitioner/plaintiff before the trial Court. The said document was denied by the third respondent, namely Ganesan, even though he had executed a family arrangement among the family members based on the same unregistered partition deed dated 08.08.1973. Initially, the petitioner took a plea before the trial Court stating that the original document was in the custody of the third respondent. Hence, the trial Court may be directed to order the third respondent to produce the original for comparison with the xerox copy intended to be filed. However, before the trial Court, the third respondent denied having custody of the original deed. Therefore, the third respondent cannot now deny the family arrangement made by him based on the said unregistered partition deed dated 08.08.1973. Furthermore, the sale deeds executed by the third respondent in



favour of third parties based on the said unregistered partition deed have been marked as Ex.A11, Ex.A15, and Ex.AA13. Hence, the third respondent has no right to object to the marking of the xerox copy of the unregistered partition deed dated 08.08.1973.

4. The learned counsel appearing for the third and fourth respondents prays for a direction to the trial Court to record their objection for marking the photocopy of the unregistered partition deed dated 08.08.1973.

5. In view of the stands taken by the above learned Counsels, the order in I.A.No.305 of 2016 in O.S.No.20 of 2007, is set aside and the trial Court is directed to mark the photocopy of the unregistered partition deed dated 08.08.1973, as secondary evidence with the endorsement of the objection made by the third and fourth respondents. This Court has not expressed any opinion with regard to the above said document. It is left open to the trial Court to decide the veracity of the said unregistered partition deed by summoning the original document, if necessary, from the other respondents, and to decide the matter in accordance with law during the course of trial. The trial Court is directed to dispose of O.S.No.20 of 2007, within a period of six months from the date of receipt of a copy of this order.



6. Accordingly, the Civil Revision Petition stands disposed of, with the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

09.06.2025

Internet: Yes/No
Index: Yes/No
TSG/MR

To

1. The District Munsif, Sathankulam.

2. The Sub Registrar,
Sub Registrar's Office,
Kommadikkottai,
Santhankulam Taluk,
Tuticorin District.

3. The District Collector,
Tamil Nadu Government,
Tuticorin.

4. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG/MR

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