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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP Nos.1410, 1412 & 1418 of 2026

J.Basheer

..Petitioner(s)

Vs

S.Kalpana

..Respondent(s)

Prayer in C.R.P.No.1410 of 2026: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking to set aside the fair and final order dated 09.09.2025 made in I.A.No.01 of 2025 in O.S.No.05 of 2018 on the file of I Additional District Judge, Coimbatore.

Prayer in C.R.P.No.1412 of 2026: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking to set aside the fair and final order dated 09.09.2025 made in I.A.No.02 of 2025 in O.S.No.05 of 2018 on the file of I Additional District Judge, Coimbatore.

Prayer in C.R.P.No.1418 of 2026: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking to to set aside the fair and final order dated 09.09.2025 made in I.A.No.03 of 2025 in O.S.No.05 of 2018 on the file of I Additional District Judge, Coimbatore.

For Petitioner(s):

Mr.V.Anandhamoorthy



ORDER

These Civil Revision Petitions have been filed seeking to set aside the fair and final order dated 09.09.2025 made in I.A.Nos. 1 to 3 of 2025 on the file of the I Additional District Judge, Coimbatore.

2. The learned counsel appearing for the petitioner submitted that the petitioner, being the defendant in O.S.No.05 of 2018, filed petitions to reopen, recall, and mark documents; however, the same were dismissed by the learned I Additional District Judge, Coimbatore, in I.A.Nos. 1 to 3 of 2025. The Court held that at the time of enquiry, PW1/plaintiff had not produced IT returns for the years 2011 & 2012, for which the applications were filed, and since the documents were not available, the petitions to reopen and recall were not maintainable and were accordingly dismissed. Aggrieved by the same, the present revision petitions have been filed.

3. He further submitted that during cross-examination, she admitted that she has paid income tax and is ready to produce IT particulars, wherein she has also shown the details of the transaction before the IT authorities. Therefore, to prove his defence, the defendant filed an application for the recall of PW1, and also at the time of enquiry, he insisted that she produce IT returns for the years 2011 to 2012. But on the side of the plaintiff, at the time of enquiry, she



submitted that her auditor did not possess those IT returns for the years 2011 to 2012, based on which the trial Court dismissed the applications.

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4. The facts reveal that, in the cross-examination, she admitted that she possessed those documents, and hence the necessity arose for the defendant to file these applications. Even if she is not possessing those documents, it has to be recorded. Therefore, considering the fact that the revision petitioner is aged about 75 years and is the owner of the property, to give him one opportunity to prove his defence, this Court sets aside the order passed in I.A.Nos. 1 to 3 of 2025 on the file of the I Additional District Judge, Coimbatore.

5. Accordingly, these Civil Revision petitions are allowed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Sma

To
1. I Additional District Judge, Coimbatore.



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T.V.THAMILSELVI, J.

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