



WEB COPY

CRP No. 504 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 504 of 2026 and

CMP No.2734 of 2026

1. Raju alias Raja
S/o. Late Chinnapaiyan alias Chinnappan,
Res. at No.108, Vellalar Street,
Sankari R.S. and Post,
Sankari Taluk, Salem District
2. Sekar, S/o. Late Chinnapaiyan alias
Chinnappan,
Res. at No.108, Vellalar Street,
Sankari R.S. and Post, Sankari Taluk,
Salem District
3. Nallammal
W/o. Late Chinnapaiyan alias Chinnappan,
Res. at No.108, Vellalar Street,
Sankari R.S. and Post, Sankari Taluk,
Salem District

..Petitioner(s)

Vs

Vijayalakshmi, W/o. L.P. Ramasamy,
D/o. Late Palaniappan, Kottaikadu,
Sankari Town and Taluk, Salem District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal order dated 21.01.2026 made in I.A.No.16 of 2026 in O.S.No.118 of 2008 on the file of the Subordinate Judge, Sankari and allow the CRP.



For Petitioner(s):

Ms. R.Divyapreathika

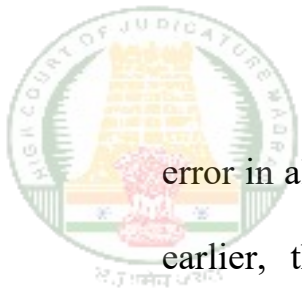
for Mr. R.Bharath Kumar

ORDER

This Civil Revision Petition has been filed, challenging the order passed by the Trial Court, allowing the application filed by the respondent, seeking to condone the delay in filing documents along with the written statement.

2. The petitioners herein/plaintiffs filed a suit for partition seeking 1/8 share in the suit property. The respondent/10th defendant filed written statement and resisted the suit on various grounds. Pending suit, the respondent filed the instant application seeking to condone the delay in filing certain documents, which were not filed along with the written statement. The said application was opposed by the petitioners on the ground that, in the written statement filed by the respondent, she has not mentioned about the documents, now sought to be marked. Therefore, according to the petitioner, the delay in filing the documents shall not be condoned. The above said petition was allowed by the Trial Court. Aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioners would contend that the respondent/10th defendant, in her petition, has not explained the delay in filing the document with sufficient cause and hence, the Trial court committed an



error in allowing the application. The learned counsel would further submit that earlier, the respondent/10th defendant filed an amendment application in I.A.No.15 of 2025 seeking to amend the plaint for inclusion of certain properties and the same was dismissed by the Trial Court. Therefore, the document No.11, sought to be introduced by the respondent shall not be received in evidence.

4. In the affidavit filed in support of the petition, the respondent/10th defendant stated that the documents now produced by her were not filed along with the written statement, due to unavoidable circumstances as she received the documents from various place. Hence, there is some delay in filing the documents. The Trial Court, by the impugned order, has only received the documents filed by the respondent and the same have not been marked as exhibits. The objection raised by the petitioner regarding document No.11 cannot be considered at the stage of petition to receive the documents. Merely because the delay in filing the documents is condoned and the documents have been received by the court, it would not amount to automatic marking of the documents and the documents shall be proved by a competent witness. Further, at the time of marking documents, the petitioner is entitled to raise objections regarding the documents. Therefore, I do not find any error in the order passed by the Trial Court.



5. With the above clarification, this civil revision petition is dismissed.

There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Subordinate Judge, Sankari.



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S.SOUNTHAR, J.

MST

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