



WEB COPY

CRP No. 1256 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

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

CRP No. 1256 of 2024 & CMP.No.6631 of 2024

1. Krishnaveni
D/o. Babusami, Chunambedu Village, Cheyyur
Taluk, Kancheepuram Dt.
2. Rathna
D/o. Babusami, Chunambedu Village, Cheyyur
Taluk, Kancheepuram Dt.
3. Gurunathan
S/o. Babusami, Chunambedu Village, Cheyyur
Taluk, Kancheepuram Dt.
4. Thulasimani
D/o. Babusami, Chunambedu Village, Cheyyur
Taluk, Kancheepuram Dt.

..Petitioner(s)

Vs

Balakrishnan
S/o. Govindharaj, Bajar Street (Elementary School
Street) Chunambedu Village, Cheyyur Taluk,
Kancheepuram Dt.

..Respondent(s)

Prayer : Civil Revision Petition has been filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 28.04.2023 made in IA No.283 of 2022 in OS No.64 of 2020 on the file of District Munsif CUM Judicial Magistrate, Cheyyur and the allow the CRP.



For Petitioner(s): Mr.J.Ranjith Kumar

For Respondent(s): Mr.J.Agni Selvaraju

ORDER

Challenging the dismissal of the application filed by the plaintiff seeking a direction to the defendant to produce the challenged original sale deed dated 30.11.1995, the present Civil Revision Petition has been filed.

2. The petitioner had filed an application before the trial Court under Order 11 Rule 14 of CPC to direct the respondent to produce the original sale deed dated 03.11.1995, which is the subject matter of the suit. The said application was contested by the defendant stating that the original sale deed was stolen by the plaintiff and in this regard, he has given a complaint before Chunamedu Police Station based on which a First Information Report has also been registered in Crime No.198 of 2022. According to the defendant, they are not in possession of the original sale deed and the plaintiff alone is in possession of the said document. The trial Court dismissed the said application stating that the custody of the original document has to be decided only on conclusion of trial. Challenging the same, the present Civil Revision Petition has been filed.



3. The learned counsel appearing for the petitioner would submit that the sale deed is just and necessary for deciding the suit and it is in the custody of the defendant. Therefore, he seeks to give notice to the defendant for production of the said document. But the trial Court erroneously dismissed the said application. Hence, the present Civil Revision Petition has been filed.

4. Whereas, it is the contention of the respondent that the said sale deed has been stolen by the plaintiff and to that effect has already given a complaint to the Police station and a First Information Report has also been registered in this regard. Hence, prayed for dismissal of this revision.

5. The suit in O.S.No.64 of 2020 has been filed to declare that the sale deed dated 03.11.1995 as null and void. According to the plaintiff, the original sale deed is with the defendant and he has not committed theft of the said document. Further, he would contend that the said sale deed is a forged one and signature found in the sale deed is not that of his father as a vendor. Hence, according to the plaintiff, he is not in possession of the document. On the other hand, it is the contention of the defendant that the sale deed has been stolen by the plaintiff and he had already given a complaint in this regard. In view of the submissions on both sides, this Court is of the view that the burden is upon the defendant to prove that he is not in possession of the original document and the defendant is



at liberty to raise all his defence with regard to the said document during trial.

Whether the respondent is in possession of the document or not has to be decided only after the evidence has been let in by the parties. Hence, the Order of the trial needs no interference.

6. With the above observations, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

The District Munsif cum Judicial Magistrate,
Cheyyur.



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T.V.THAMILSELVI, J.

VRC

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