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C.R.P. NOS.1161, 1162 & 1163 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 24 / 11 / 2025

ORDER PRONOUNCED ON : 24 / 02 / 2026

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P. NOS.1161, 1162 AND 1163 OF 2023

AND

C.M.P. NO.8060, 8057 AND 8070 OF 2023

CRP NO.1161 OF 2023

1.Vadivel

2.Chidambaram

... Petitioners / Petitioners /
Plaintiffs

Versus

1.Kanagaraj

2.Kanagavalli

3.Subbulakshmi

4.Amirtham

5.Palaniyandi

6.Rajavel

7.Selvaraj

8.Sumathi

9.Meenkodi

10.Kalaiaarasi

... Respondents / Respondents /
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Fair and Decretal Order dated November 10, 2022 passed in I.A. No.7 of 2022 in O.S. No.513 of 1998 by the Principal District Munsif Court, Perambalur.



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C.R.P. NOS.1161, 1162 & 1163 OF 2023

For Petitioners : Mr.K.Gowtham
for M/s.S.Mohan

For Respondents 1-3: Insufficient address

For Respondents
4, 7, 8, 9 & 10 : Ms.V.Srimathi

For Respondent-5 : Served – No appearance

For Respondent-6 : Not ready in notice

CRP NO.1162 OF 2023

1.Vadivel

2.Chidambaram

... Petitioners / Petitioners /
Plaintiffs

Versus

1.Kanagaraj

2.Kanagavalli

3.Subbulakshmi

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8.Sumathi

9.Meenkodi

10.Kalaiaarasi

... Respondents / Respondents /
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950 praying to set aside the Fair and Decretal Order dated November 10, 2022 passed in I.A. No.9 of 2022 in O.S. No.513 of 1998 by the Principal District Munsif Court, Perambalur.



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For Petitioners : Mr.K.Gowtham
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CRP NO.1163 OF 2023

1.Vadivel
2.Chidambaram ... Petitioners / Petitioners /
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Versus

1.Kanagaraj
2.Kanagavalli
3.Subbulakshmi
4.Amirtham
5.Palaniyandi
6.Rajavel
7.Selvaraj
8.Sumathi
9.Meenkodi
10.Kalaiaarasi ... Respondents / Respondents /
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950 praying to set aside the Fair and Decretal Order dated November 10, 2022 passed in I.A. No.8 of 2022 in O.S. No.513 of 1998 by the Principal District Munsif Court, Perambalur.

For Petitioners : Mr.K.Gowtham
for M/s.S.Mohan



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C.R.P. NOS.1161, 1162 & 1163 OF 2023

For Respondents 1-3: Insufficient address

For Respondents
4, 7, 8, 9 & 10 : Ms.V.Srimathi

For Respondent-5 : Served – No appearance

For Respondent-6 : Not ready in notice

COMMON ORDER

These three Civil Revision Petitions arise out of the Orders passed in I.A. No.7 of 2022, I.A. No.9 of 2022 and I.A. No.8 of 2022 in O.S. No.513 of 1998 by the Principal District Munsif Court, Perambalur, as tabulated below:

<i>S.No.</i>	<i>I.A. No.</i>	<i>O.S. No.</i>	<i>Order dated</i>	<i>On the file of</i>	<i>C.R.P. No.</i>
1	7 of 2022	513 of 1998	November 10, 2022	Principal District Munsif, Perambalur	1161 of 2023
2	9 of 2022	513 of 1998	November 10, 2022	Principal District Munsif, Perambalur	1162 of 2023
3	8 of 2022	513 of 1998	November 10, 2022	Principal District Munsif, Perambalur	1163 of 2023

2. The revision petitioners herein are the plaintiffs and the respondents herein are the defendants in O.S. No.513 of 1998 on the file of 'the Principal District Munsif Court, Perambalur' ['Trial Court' for convenience]. The petitioners in the Interlocutory Applications who are the plaintiffs in the Suit have preferred these Civil Revision Petitions under



Article 227 of the Constitution of India, 1950 assailing the dismissal Orders passed in the aforesaid Interlocutory Applications.

3. For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Suit.

4. The plaintiffs filed the Original Suit seeking partition and division of Suit Property. Originally, the first plaintiff - Vadivel alone filed the Suit and the second plaintiff - Chidambaram was arrayed as fourth defendant. Thereafter, the fourth defendant was transposed as second plaintiff. The plaintiffs are the sons and the defendants 2 and 3 are the daughters of the first defendant - Kanagaraj.

5. The case of the plaintiffs is that the Suit Properties are ancestral properties and the marriage of defendants 2 and 3 held after Tamil Nadu Act No.1 of 1990 and therefore, they are entitled to the benefit of the same. Hence, the plaintiffs and the defendants 1 to 3 are co-parceners each entitled to 1/5 share in the Suit Properties. Accordingly, the plaintiffs laid a Suit for partition and costs.

6. The defendants 1 to 3 did not enter appearance and therefore they were set *ex-parte* before the Trial Court. The fourth defendant - Amirtham



and sixth defendant - Palaniyandi and seventh defendant - Rajavel, and defendants 8 to 11 who are none other than the sons and daughters of fourth defendant, are contesting the Suit.

7. The case of the fourth defendant is that the Suit Properties are ancestral properties of the first defendant and his father - Singaram. Singaram passed away in the year 1993. During lifetime, Singaram and the first defendant executed Sale Deeds dated May 8, 1976 and April 28, 1979 in respect of Item Nos.1 and 2 of the Suit Properties in favour of the fourth defendant. On and after the purchase, the fourth defendant - Amirtham was in possession and enjoyment of the Suit Property. During the pendency of the Suit, she executed a Gift Settlement Deed in favour of the defendants 8 to 11 who are her sons and daughters. Hence, the Suit is clearly barred by limitation. It is a colluded Suit with a view to defeat and defraud the rights of the fourth defendant - Amirtham.

7.1. Defendants 8 to 11 adopted the written statement filed by the fourth defendant.

8. The sixth defendant - Palaniyandi filed written statement stating that the first defendant and his father Singaram executed a Sale Deed on May 4, 1982 in his favour. The sixth defendant executed a Power of



Attorney Deed dated April 3, 2008 appointing one Srinivasan as his power agent. Pursuant to the Power of Attorney Deed, the power agent - Srinivasan executed a Sale Deed in favour of the seventh defendant. The plaintiffs and the defendants 1 to 5 have no right over Item No.3 of the Suit Properties. The Suit is barred by limitation. The seventh defendant plotted out Item No.3 of the Suit Properties and sold the same to various persons. Hence, the Suit is bad for non-joinder of necessary parties as well.

9. The seventh defendant - Rajavel filed written statement stating that the suit properties are absolute properties of Singaram. Singaram and his son - first defendant jointly executed a Sale Deed in favour of Palanivel on May 4, 1982 in respect of Suit Item No.3. The seventh defendant purchased the same from power agent of Palanivel on August 12, 2008 for valid consideration. The plaintiffs and defendants 1 to 6 have no right over the suit properties.

10. In this case, necessary issues were framed and trial commenced on January 8, 2020. On the plaintiffs' side, the second plaintiff was examined as P.W.1 and Ex-A.1 to Ex-A.11 were marked. Ex-B.1 was marked through cross-examination of P.W.1. One Palaniandi was examined as P.W.2. Plaintiffs' side evidence was closed with P.W.2. On the side of



defendants, the fourth defendant - Amirtham was examined as D.W.1 and Ex-B.2 to Ex-B.20 were marked. The seventh defendant - Rajavel was examined as D.W.2 and Ex-B.21 to Ex-B.25 were marked through him. The defendants 7 and 10 endorsed 'no further evidence' on their side.

11. After completing evidence on April 12, 2022, the case was posted for arguments on April 18, 2022. On April 23, 2022, the plaintiffs filed these Interlocutory Applications praying to re-open the plaintiffs' side evidence, recall P.W.1 and also praying to grant leave to receive documents morefully described in I.A. No.9 of 2022.

12. The defendants 4, 6 and 7 filed counter affidavit which was adopted by defendants 8 to 10, who are the contesting parties therein.

13. After hearing both sides, the Trial Court dismissed I.A. No.7 of 2022, I.A. No.8 of 2022 and I.A. No.9 of 2022 vide separate Orders all dated November 10, 2022 stating that the documents sought to be received *vide* I.A. No.9 of 2022 are not relevant to decide the dispute between the parties and the Suit is pending since 1998 *i.e.*, for more than 24 years. Accordingly, the Trial Court dismissed all the Interlocutory Applications.



14. Feeling aggrieved, the plaintiffs have filed these Civil Revision Petitions under Article 227 of the Constitution of India, 1950.

15. Heard Mr.K.Gowtham, learned Counsel representing M/s.S.Mohan, Counsel on record for the revision petitioners / plaintiffs, and Ms.V.Srimathi, learned Counsel appearing for the respondents 4, 7, 8, 9 and 10.

16. Mr.K.Gowtham, learned Counsel would argue that the documents sought to be received are relevant and necessary to decide the dispute. The Trial Court ought to have allowed these Interlocutory Applications and decided the matter on merits. The Trial Court failed to adhere the principles of natural justice fully. The pendency of the Suit for more than 24 years is not a ground to reject the Interlocutory Applications. The documents sought to be received are found only recently. The Trial Court failed to consider the said fact. Accordingly, he would pray to allow these Civil Revision Petitions, set aside the Orders passed by the Trial Court and allow those three Interlocutory Applications.

17. *Per contra*, Ms.V.Srimathi, learned Counsel would submit that the documents sought to be received are in no way relevant to decide the dispute. The Interlocutory Applications were filed only with a view to drag



on the proceedings as far as possible. The Trial Court rightly dismissed the Interlocutory Applications. There is no warrant to interfere with it and accordingly, she would pray to dismiss these Civil Revision Petitions.

18. This Court has considered the submissions made on either side and perused the list of documents annexed in I.A. No.9 of 2022 as well as the other documents available on record.

19. Document Nos.1 to 3 are Family Card of the plaintiffs and the defendants 1 and 2. The said documents are in no way relevant to decide the issue between the parties.

19.1. Document No.4 is the Disability Certificate and Passbook issued to the plaintiffs' father namely first defendant. The said document is also not relevant to decide the dispute between the parties.

19.2. Document No.5 is a study certificate of the second defendant - Subbulakshmi, issued by the headmaster TELC Middle School, Thuraimangalam, wherein her date of birth is shown as July 20, 1978. Probably, the plaintiffs wants to mark the document to prove that the second defendant's marriage happened before enactment of Tamil Nadu Act No.1 of 1990. In view of the amendment made in Section 6 of the



Hindu Succession Act, 1956 and in view of the categorical stand taken by the contesting defendants that they purchased the suit properties before the commencement of Tamil Nadu Act No.1 of 1990, the date of marriage is immaterial to decide the dispute in this case. Hence, the said document is also not necessary to decide the Suit.

19.3. Document No.6 is an Interlocutory Order passed in I.A. No.249 of 2002 in the Suit. The said document is already available as the part of the record.

19.4. Document No.7 is a newspaper publication dated February 25, 2008 which was given during the pendency of the Suit. Hence, that will not be helpful to decide the Suit.

19.5. Document No.8 is a simple Mortgage Deed executed by the first defendant's father in respect of Survey Nos.97-14C, 102-1, 97-14B which are not related to the Suit Property. The said document also is not helpful and no way relevant to either parties and not necessary to decide the dispute between them.

19.6. Document No.9 is the certified copy of the Release Deed dated August 21, 1990 executed by Manickam and her daughter - Rajamani who



are the second wife and the daughter of Singaram [father of first defendant] respectively, in favour of the first defendant and his mother.

The said Release Deed would not improve/support the plaintiffs' case in any manner. Hence, the said document is also not relevant to decide the Suit.

19.7. Documents 10, 11 and 12 are revenue records obtained in the year 2021 pending the Suit. They were already exhibited/marked, that too on both sides. They are also not necessary to decide the Suit.

20. Moreover, there is no reason assigned by the plaintiffs for non-producing the said documents along with plaint or at the time of leading their evidence. Already the plaintiffs' side evidence as well as the defendants' side evidence was closed and the case was posted for arguments. At this stage, these Interlocutory Applications praying to re-open, recall and receive documents were filed. The Trial Court concluded that these Interlocutory Applications were filed only with a view to drag on the proceedings. This Court concurs with the Trial Court's view. There is no irregularity or illegality in the Order passed by the Trial Court. In view of the defence raised by the contesting defendants, these documents are no



C.R.P. NOS.1161, 1162 & 1163 OF 2023

way relevant to the said issue. Hence, these Civil Revision Petitions have no merits and deserves to be dismissed.

21. Accordingly, all these Civil Revision Petitions are dismissed and the Orders passed by the Trial Court are confirmed. Considering the facts and circumstances, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

22. Considering the age of the suit, the Trial Court shall endeavour to dispose of it expeditiously as per law untrammelled by any observations made by this Court.

24 / 02 / 2026

Index : Yes
Neutral Citation : Yes
Speaking Order : Yes
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To

The Principal District Munsif Court
Perambalur.



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R. SAKTHIVEL, J.

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PRE-DELIVERY COMMON ORDER MADE IN
CRP NOS.1161 TO 1163 OF 2023

24 / 02 / 2026

Page No.14 of 14