



WEB COPY

CRP No. 949 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 949 of 2026 and
CMP No.5154 of 2026**

1. Nallammal, W/o.Boopathi,
No.3/34A, Sokkan Kadu,
Periyapatti Village,
Namakkal Taluk and District.
2. Pappathi, W/o. Subramani,
D.No.3/160, Kudi Street,
Chinnakarasupalayam,
Sarkar Valavanthi Village,
Mohanur Taluk,
Namakkal District.

..Petitioner(s)

Vs

Velappan (Died),

1. Ettammal, W/o. Late Sengodagounder,
No.3/98, Maniyarampudur Village,
Thottipatti Panchayat,
Namakkal Taluk and District.
2. Saravanan, S/o. Velappan,
No.3/98, 5th Street,
Thiruvalluvar Nagar,
Komarapalayam Town and Post,
Komarapalayam Taluk,
Namakkal District.
3. Karthik, S/o. Kuppusamy,
D.No.2/78D, Mettupalayam,
Pillakalathur Village,
Paramathi Velur Taluk,
Namakkal District.



4. Udhiyarani, W/o. Velappan,
No.3/98, 5th Street,
Thiruvalluvar Nagar,
Komarapalayam Town and Post,
Komarapalayam Taluk,
Namakkal District.

5. Kalaipriya, W/o. Karthik,
D.No.2/78D, Mettupalayam,
Pillakalathur Village,
Paramathi Velur Taluk,
Namakkal District.

..Respondent(s)

Prayer: Civil Revision petition filed under Article 227 of Constitution of India to set aside the fair and final order dated 17.09.2025 made in I.A.No.07 of 2024 in O.S.No.70 of 2020 on the file of the I Additional District Court, Namakkal.

For Petitioner(s): Mr. M.Guruprasad

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioners seeking to recall PW1 for the purpose of marking CCTV footage recorded in the office of the Joint-II, Sub Registrar, Namakkal.

2. The petitioner herein filed a suit in O.S.No.70 of 2020 for declaration that the settlement deeds dated 14.10.2019 in favour of the 1st and 3rd defendants



were null and void and for the relief of partition. Pending suit, the petitioner filed an application in I.A.No.6 of 2004 for summoning the concerned Sub Registrar for production of CCTV footage recorded during Registration of documents, questioned in the suit. The said application was dismissed by the Trial Court on the ground that CCTV footage, without audio backing will not be of any use for the purpose of determining the mental capacity of the executant. Thereafter, the instant application has been filed by the petitioner seeking leave of the court to recall PW1 for the purpose of marking the CCTV footage recorded in the Sub Registrar's office, Namakkal during the registration process.

3. In the affidavit filed in support of the instant application, it is stated by the petitioner that even earlier, he procured the certified copy of the CCTV footage recorded in the Sub Registrar's office during registration process. However, the same could not be filed along with plaint, as the petitioner could not locate the DVD. It is further stated in the affidavit that the petitioner now got possession of the missed DVD and therefore, instant application has been filed seeking to recall PW1 to enable him to mark DVD containing the certified copy of the CCTV footage. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.



4. The learned counsel for the petitioner would submit that the CCTC footage of the concerned Sub Registrar office during registration process will enable the court to see the body language of the executant and from the body language of the executant, the court can come to the conclusion with regard to his mental capacity.

5. The due execution of settlement deed has to be proved by calling attester, as per Section 68 of the Indian Evidence Act / Section 67 of BSA (Bharatiya Sakshya Adhiniyam), 2023. If the attester of the settlement deed is examined, the petitioner is entitled to cross examine him. As rightly pointed by the Trial court in the earlier order, CCTV footage without audio recording, will not help the court to come to the conclusion with regard to the interaction between the Sub Registrar and executant. Further, when the earlier petition was dismissed by the trial court holding that the CCTV footage will not be useful, the petitioner failed to challenge the same in the manner known to law. Therefore, in view of the earlier order, the petitioner is not entitled to file yet another application seeking permission to recall PW1 for the purpose of marking DVD. It is pertinent to mention that in the earlier affidavit, the petitioner only sought for summoning of the concerned Sub Registrar for the purpose of producing the CCTV footage recorded in his office. In the said affidavit, the petitioner did not mention about the possession of official CCTV footage in his custody. Only in the present affidavit, it is claimed by the



petitioner that he already procured official CCTV footage from the Sub Registrar's office and the DVD was misplaced at the time of filing earlier application. The said version of the petitioner is not acceptable. In view of the above, I do not find any irregularity and illegality in the order passed by the Trial Court.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

26-02-2026

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

MST

To

The I Additional District Judge,
Namakkal.



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S.SOUNTHAR, J.

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