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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.1387 of 2024
and
C.M.P.No.7416 of 2024

CNR: {HCMA010588602024}

1. Chinnasamy
2. Dinesh

..Petitioners

Vs

V.Kanniappan (deceased)
V.Balaraman (deceased)
1. G.Prakasam
2. J.Esther Rani
3. Rathina Mary
4. Rajeswari
5. Gandhimathi
   G.Balaji (Deceased)
6. Soundari
7. K.Kumar
8. K.Murali
9. K.Ammu
10. Rajeswari
11. Master B.Abinesan
    (Rep. by mother and natural Guardian
    Mrs.R.Rajeswari)
12. Master B.Cibinesan
    (Rep. by mother and natural Guardian
    Mrs.R.Rajeswari)
13. Vatchala
14. Ravi
15. Ramani
16. Raghu
17. Murali
18. Rathika
19. Rajini
20. Master A Saloman
    Rep. by his mother and Natural Guardian Mrs.
    Rajeswari

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21.K.Shanthi
22.K.Loganayaki
23.K.Keerthiga
24.K.Vijay
25.R.Sumathi
26.R.Shyam
27.Babu
28.K.Shakila

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order passed in I.A.No.3 of 2023 in O.S.No.242 of 2010 dated 02.02.2024 on the file of Additional Subordinate Court, Chengalpattu.

For Petitioners : Mr.E.Abdul Wajith

For Respondents : Mr.N.Kumar Rajan

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.3 of 2023 in O.S.No.242 of 2010 dated 02.02.2024 on the file of Additional Subordinate Court, Chengalpattu, wherein the application filed by the petitioners/defendants 3 and 4 under Order VIII Rule 3 CPC to receive additional documents, came to be partly allowed and the disallowed portion has been put to challenge in the present revision.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

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3. The respondents are the plaintiffs, who filed the suit in O.S.No.242 of 2010 seeking for the relief of partition and for allotment of 4/6th share in the suit property. When the suit was at the stage of examination of witness on the side of defendants, the present application came be filed in I.A.No.3 of 2023 in O.S.No.242 of 2010 to receive 17 documents. The Court below permitted Document Nos.2, 3, 5, 7, 8, 9, 13 to 17, however, rejected document Nos.1, 4, 6, 10, 11 and 12. Aggrieved by the disallowed portion, the present revision has been filed before this Court.

4. Insofar as document Nos.1, 4, 6, 10 and 11 are concerned, they are manual pattas pertaining to the suit property and Document No.12 is said to be the No Objection Certificate given by the Tahsildar. According to petitioners, these documents have been deposited in the bank and to substantiate the same, they are relying upon Document No.17. The Court below disallowed these documents on the ground that the petitioners could have obtained certified copy of those documents and marked the same.

5. In the considered view of this Court, the petitioners have laid the foundational requirement for letting in secondary evidence insofar as Document Nos.1, 4, 6, 10, 11 and 12 are concerned and to substantiate the same, Document No.17 is relied upon. The Court below could have permitted marking of those documents subject to relevancy, proof and admissibility. Since they

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N.ANAND VENKATESH, J.

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were rejected, a suit filed in the year 2010 for partition is unnecessarily kept pending for the last 16 years.

In the light of the above discussion, the order passed by the Court below in I.A.No.3 of 2023 in O.S.No.242 of 2010 dated 02.02.2024 is set aside and this civil revision petition is allowed. There shall be a direction to the Additional Sub Court, Chengalpattu, to dispose of the suit in O.S.No.242 of 2010 within a period of three (3) months from the date of receipt of a copy of this order and submit a report before this Court. No costs. Consequently, connected miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Additional Subordinate Court,
Chengalpattu.

Civil Revision Petition No.1387 of 2024

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