



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2645 of 2026 and CMP No.11198 of 2026

1. Bhuvaneshwari
W/o. Elayaperumal, Padianthal Village,
Tirukoilur Taluk.

Petitioner(s)

Vs

1. Elayaperumal
S/o. Dhanapal Chettiar, Padianthal Village,
Tirukoilur Taluk.

2.Gurumoorthy
S/o. Radhakrishnan (died), Padianthal
Village, Tirukoilur Taluk.

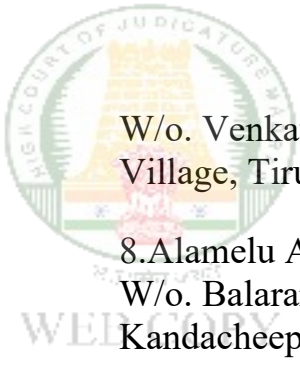
3.Arul
S/o. Gurumoorthy, Padianthal Village,
Tirukoilur Taluk.

4.Vikraman
S/o. Gurumoorthy, Padianthal Village,
Tirukoilur Taluk.

5.Perumal
S/o. Radhakrishnan (died), Padianthal
Village, Tirukoilur Taluk.

6.Saroja
W/o. Kothandam, Padianthal Village,
Tirukoilur Taluk.

7.Andal Ammal



W/o. Venkatesa Chettiyar Padianthal
Village, Tirukoilur Taluk.

8.Alamelu Ammal

W/o. Balaraman, T. Devanur Village,
Kandacheepuram Taluk.

Respondent(s)

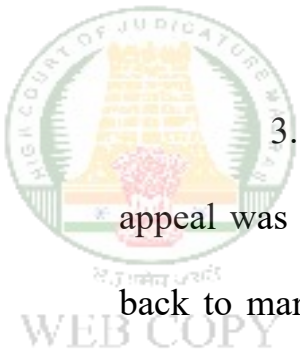
Civil Revision Petition filed under Article 227 of Constitution of India against the order and decreetal order in I.A.No.5 of 2025 in A.S.No.52 of 2023 on the file of Subordinate Judge, Tirukoilur dated 24.03.2026.

For Petitioner(s): R.Poornima

ORDER

Before the trial Court, the second appellant has filed a petition in I.A.No.5 of 2026 under Section 120 of Indian Evidence Act to permit the second appellant's husband to depose further evidence and to mark additional documents on behalf of the appellants.

2. The said application was objected by the respondents stating that P.W.1 was already examined and hence P.W.1 is the only competent witness to depose further evidence and to mark additional documents but P.W.2 is not a competent witness in this case to speak about the additional documents in the appeal proceedings.



3. On considering both submissions, the trial Judge has held that already appeal was disposed of and thereafter, in the second appeal, the matter was remanded back to mark unregistered partition deed dated 17.06.1967 regarding the 1st plaintiff's father and his brother. Now, the appellants want to mark the said partition deed. But contending that the 1st plaintiff suffered with brain illness and to that effect they produced the medical records of JIPMER hospital and considering the same trial court allowed the petition holding that the second appellant's husband has already deposed as P.W.2 in suit proceeding and now the 2nd appellant has suffered brain illness and unable to speak normally and hence as per the direction in the second appeal, which is remanded back, the 2nd appellant seeks to depose her husband for further evidence and to mark additional documents on behalf of her in appeal proceedings, which is legally permissible one and also held that the objection of the respondents that P.W.2 is not a competent witness to depose and also to mark the said documents is not a tenable one. Aggrieved by the same, the present revision has been preferred.

4. Learned counsel for the revision petitioner submits that in the suit proceedings, the 1st plaintiff was examined as P.W.1, but, in the appeal, she wants to examine her husband as a witness in order to mark the unregistered partition deed, in which, her husband is not a party, but, the father of the plaintiff is a party to the partition deed. The first plaintiff is a right person to speak about the said document. Now, the 2nd appellant has suffered brain illness and therefore, she is unable to speak properly and



therefore, she seeks her husband to depose for further evidence.

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5. If at all the objection on the side of the revision petitioner that the second appellant's husband is not a competent person to speak about the partition deed and if at all any incompetency on the side of P.W.2, the same can be agitated from the side of P.W.2 and the appellate court is entitled to decide the veracity of the witness after completion of the evidence.

6. Therefore, the order passed by the Subordinate Judge, Tirukovilur in I.A.No.05 of 2026 allowing P.W.2 to depose evidence does not warrant any interference.

7. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.04.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order



To

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The Subordinate Court, Tirukoilur



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T.V.THAMILSELVAM

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