



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6521, 6522 and 6524 of 2025 and

CMP No.32241 of 2025

S. Saraswathi, W/o. Shanmuga Sundaram,
Res. at No.14, Vaithi Padaiyatchi Street,
Vazhapadi, Salem District.

..Petitioner(s)

Vs

1. Vadivel, S/o. Soundararajan,
Res. at Sandhai, 9th Ward,
Tharamangalam, Omalur Circle,
Salem District.

2. Selvi
Res. at Thiriyalam Village,
Thirupattur Circle,
Vellore District.

Rajamanickam (Died)

D/o. Ramasamy Konar,
Res. at Koodalur Main Road,
Vazhapadi Village and Post,
Vazhapadi Circle,
Salem District.

3. V. Ravishankar, S/o. Venkatakrishnan,
Res. at No.U4, Block 2,
Lakshmi Krubha Apartment,
Rajaji Road, Salem - 636007.

4. P. Lazar, S/o. Pilavendiran,
Res. at No.32, Kaliyamman Koil Road,
A Vazhapadi Village, Salem District.



-
- Page2 of 7



12.N. Sridhar
S/o. M. Natarajan,
Res. at No.22, Anandha Street,
Attur Town,
Salem District.

13.N.S. Padmavathi
W/o. S.K. Senthil Rajan,
Res. at No.222/135,
2nd Akraharam,
Salem - 636 001.

..Respondent(s)

Common Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decretal order dated 27.02.2025 in IA No.24, 25 and 26 /2025, in OS No.72/2006 on the file of II Additional District Judge, Salem and allow the above CRPs.

For Petitioner(s): Mr. N.Selvaraj

ORDER

These Civil Revision Petitions have been filed, challenging the orders passed by the Trial Court dismissing the applications filed by the petitioner seeking to reopen the case, recall DW2 and to produce certain documents, which were not filed along with the written statement.

2. The first respondent herein filed a suit in O.S.No.72 of 2006 seeking specific performance against the petitioner/5th defendant and other defendants. According to the petitioner, the property mentioned by the first respondent,



belonged to Shanmugasundaram, who is her husband. It is claimed by the petitioner that, after the death of Shanmugasundaram, she got his property as his legal heir. It is also stated by her that Shanmugasundaram died on 24.08.2005 and she applied for legal heirship certificate from the revenue department and got the same on 19.06.2006. The said document was misplaced by the petitioner and she traced out the same recently. Hence, the petitioner filed the applications to re-open the case, recall DW2 (herself) for the purpose of marking additional documents.

3. The said applications were opposed by the contesting first respondent/plaintiff on the ground that as per the pleadings of the petitioner, she was wife of one Natarajan and the said Natarajan filed a divorce petition in HMOP No.6 of 1986 and the same was allowed only on 02.09.1988. In such circumstances, the petitioner's claim that she was married to Shanmugasundaram on 17.11.1977 could not be accepted. It was further submitted by the first respondent/plaintiff that the instant applications have been filed just to drag on the proceedings.

4. The petitioner filed the instant applications to produce the legal heirship certificate dated 19.06.2006, wedding invitation dated 17.11.1977 and the certified copy of the order passed in I.A.No.1 of 2024 on O.S.No.382 of 2018. The marriage invitation dated 17.11.1997 was seriously opposed by the



respondents 6 and 7 on the ground that it was a created document, in the light of the fact that the petitioner got divorce from Natarajan only thereafter, It is also seen from the impugned order that this court, in its order dated 27.02.2015 in W.P.No.32645 of 2014, directed the petitioner not to use the legal heirship certificate dated 19.06.2006 for any purpose to establish that she was the sole legal heir of late Shanmugasundaram. In the light of the orders passed by the High Court, the petitioner is not entitled to produce the legal heirship certificate before the Trial Court. Further, when the suit was posted for arguments, the present applications have been filed by the petitioner. The petitioner has not given any plausible explanation for her failure to produce the documents, when she was examined as DW2. From the typed set of papers, it is clear that the petitioner filed her written statement on 05.12.2023 and the documents in question were not produced along with the written statement. Later, when she was examined as DW2 also, the petitioner failed to produce the documents. The reasons assigned by the petitioner are not sufficient to reopen the case. The Trial Court rightly taking into consideration the facts narrated above, dismissed the applications filed by the petitioner. I do not find any error in the impugned order passed by the Trial Court to interfere over the same.



5. Accordingly, the civil revision petitions are dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

WEB COPY

23-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The II Additional District Judge,
Salem



WEB COPY

CRP No. 6521, 6522 and 6524 of 2



S.SOUNTHAR, J.

MST

CRP No. 6521, 6522 and 6524 of 2025

23-01-2026