



WEB COPY

CRP No. 3113 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 3113 of 2025 and

CMP.No.17408 of 2025

A.K.Nizam

..Petitioner(s)

Vs

A.K.Jaffar Ali

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order of the learned 2nd Additional District Judge, Tindivanam made in I.A.No.5/2025 in O.S.No.2/2016 dated 20-06-2025.

For Petitioner(s): M.R.Thangavel

For Respondent(s): M/s.V.V.Sairam

ORDER

The civil revision petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner/2nd defendant seeking to produce certain documents.

2. The respondent herein filed a suit for partition against the petitioner and others. The trial in the suit was over and the matter was posted for arguments. At this stage, instant application has been filed by the petitioner



seeking to produce a release deed and a sale deed of the year 2011. The said application was dismissed by the trial court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner, by taking this court to the affidavit filed in support of the instant application, would submit that the documents to be produced by the petitioner are vital documents to prove their case and the said documents were found by the petitioner only recently. Therefore, opportunity shall be given to the petitioner to produce the document and mark the same before the trial court.

4. It is seen from the impugned order that petitioner/2nd defendant was examined as DW1 on 05-03-2025 and 13-03-2025. Thereafter, the petitioner filed IA.No.4 of 2025 to examine another witness in his side and the same was allowed. Based on the said order, DW2 was examined. Even at that stage, it was stated by the petitioner that he had got some other documents to be produced. Thereafter, instant application has been filed seeking to produce the documents. In the affidavit filed in support of the IA.No.5 of 2025, the petitioner has not stated anything regarding the relevancy of the document produced by him to dispute involved in this suit.

5. It is also seen from the typed set that in order to mark the documents, the petitioner filed two applications in IA.Nos. 6 and 7 of 2025, seeking to reopen the case and recall DW1. Those applications were dismissed by the trial court by order dated 04.07.2025. The petitioner has not challenged the order



passed by the trial court dismissing the IA.Nos. 6 and 7 of 2025. In such circumstances, no purpose will be served by allowing the IA.No.5 of 2025 as petitions to reopen the case and recall witness for the purpose of marking his document were already dismissed by the trial court and the same had attained finality. In any event, the petitioner has not given the convincing reason for his failure to produce the document at the time of trial. Therefore, I do not find any irregularity or illegality in the order passed by the trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No cost.

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The II Additional District Judge, Tindivanam



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S.SOUNTHAR, J.

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