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CRP No. 4056 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 4056 of 2025

C.M.P.No.20969 of 2025

1. Venkatesan

2. Gangadevi

..Petitioner(s)

Vs

Arul

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the fair and decreetal in IA No.1/2022 in O.S.No.70/2013 dated 04.06.2025 passed by the Learned District Munsif Court, Polur, Tiruvannamalai District.

For Petitioner(s):

Mr.B.Gopalakrishnan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking leave of the Court to produce certain documents which were not produced along with the plaint.

2.The petitioners herein filed a suit for partition against the respondent.

The defendant / respondent in his written statement has taken a stand that the first petitioner was not born to his father Thiagarajan. According to the petitioners, the respondent herein is the brother of the first petitioner and son of



the second petitioner. The specific case of the petitioners that both first petitioner and respondent born to second petitioner through their common father Thiagarajan. However, the respondent has taken a specific plea in the written statement that first petitioner did not born to above said Thiagarajan.

3.The trial in the suit is commenced and the same is posted for cross-examination of P.W.1. At this stage the petitioners filed instant application seeking to produce certain new documents which were not filed along with the plaint. The said application was dismissed by the trial Court. Aggrieved by the same, petitioners come before this Court.

4.The learned counsel for the petitioners would submit that in view of the dispute raised by the respondent with regard to the paternity of the first petitioner he wants to produce the transfer certificate, Aadhar card, Family card, wedding invitation and ear boring invitation etc,. Those documents were found by the petitioners now only and therefore he may be permitted to produce the same to prove his case.

5.Though the respondent is served and his name printed in the cause list, there is no representation on behalf of the respondent.



6. Heard the learned counsel for the petitioners and perused the materials available on record.

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7. Perusal of the pleadings of the parties would indicate that there is a controversy with regard to the paternity of the first petitioner. If the documents sought to be produced by the petitioners are allowed to be marked certainly it will help the petitioners to establish their case regarding the paternity of the first petitioner. Taking into consideration the importance of the documents to be produced by the petitioners, this Court feels an opportunity shall be given to the petitioners to produce the documents. Accordingly, the impugned order passed by the trial Court in I.A.No.1 of 2022 in O.S.No.70 of 2013 dated 04.06.2025 is set aside and the Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

22-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The District Munsif Civil Judge, Polur.



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S.SOUNTHAR, J.

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