



WEB COPY

CRP No. 38 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 38 of 2024
AND
CMP NO. 144 OF 2024**

Ganeshan (Deceased)

1. Ramathilagam
S/o. Ganeshan,
Thennandai Mettu Street,
Vengalathur Village and Post,
Vembakkam Taluk, Thiruvannamalai Dt.
2. Jayammal
W/o. Ganeshan,
Thennandai Mettu Street,
Vengalathur Village and Post,
Vembakkam Taluk, Thiruvannamalai Dt.
3. Thilagam
W/o. Ganeshan,
Road Street, Arasaanipaalayam Village and
Post, Vembakkam Tk, Thiruvannamalai Dt.

..Petitioner(s)

Vs

1. Kasi
S/o. Arjunanan,
Bajanaikovil St, Venkalathur Village and Post,
Vembakkam Tk, Thiruvannamalai Dt.

Naagammal (Deceased)

2. Maariammal
Bajanaikovil St, Venkalathur Village and Post,
Vembakkam Tk, Thiruvannamalai Dt.

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the Judgement and Decree of the learned Sub Judge, Cheyyar Tiruvannamalai dated 15.09.2023 made in IA No.1 of 2-22 in AS No.6 of 2018.

For Petitioner(s): Mr.C.K.Chandrasekkar

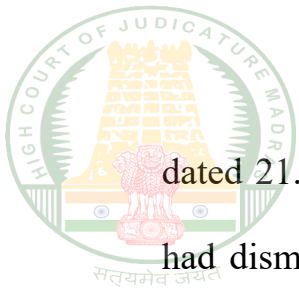
For Respondent(s): Mr.P.Mani
For R1 And R2

ORDER

Challenging the impugned order passed in I.A.No.1 of 2022 in A.S.No. 6 of 2018 by the Sub-Judge, Cheyyar, Tiruvannamalai District, the Revision Petitioners/appellants have preferred this Civil Revision Petition.

2. Before the appellate court, they have filed the application to receive the additional documents and the same was dismissed by the appellate judge holding that no proper reason was assigned for non-production of documents before the trial court. Aggrieved over that findings, this Civil Revision Petition has been preferred.

3. Originally, the suit was filed for declaration of their easmentary rights in O.S.No.301 of 2009 on the file of Additional District Munsif Court, Tiruvannamalai by the revision petitioners and the suit was dismissed. Aggrieved over that, they preferred an appeal. Before the appellate court, they have filed an application seeking to produce additional documents, which are



dated 21.07.1941 and 24.07.1943 viz., mortgage deeds, but the appellate court had dismissed the application as proper reason was not assigned. Challenging the said findings, this Civil Revision Petition has been preferred.

4. On perusal of entire facts, it is seen that as on date, appeal filed by the Revision Petitioners is pending and admittedly, the revision petitioners are the plaintiffs and they have sought the relief of declaration of their easementary rights. Therefore, opportunity is to be given to them to file additional documents and whether documents are necessary or not is to be decided by the appellate judge while deciding the appeal. Therefore, their application ought to have been tried along with appeal, instead of that, the appellate judge had dismissed the application without trying the same along with appeal. Therefore, the findings rendered by appellate judge in I.A.No.1 of 2022 in A.S.No.6 of 2018 is set aside. The appellate judge is directed to hear the application filed in I.A.No.1 of 2022 fresh along with the appeal and dispose of the same in the manner known to law within a period of three months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To
The Sub-Judge, Cheyyar, Tiruvannamalai Dt.



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T.V.THAMILSELVI J.

RPP

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