



C.R.P.No.519 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.519 of 2026
and
C.M.P.No.2765 of 2026

1.Sankar

2.Sivaraman

3.Sathish

... Petitioners

vs.

1.Madivanan

2.Elamurusu

Thangaraj Padayachi (died)

3.Arasu

Ranganayaki (died)

4.Thamaraiselvan

5.Dhanalakshmi

6.Panchamurthy

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the Order passed on 14.10.2025 in Memo in O.S.No.143 of 2009 on the file of the Court of the Principal District Judge, Cuddalore.

For Petitioners : Mr.S.Vijayanand
for M/s.S.Balasubramanian

ORDER

The Civil Revision Petition is filed challenging the order passed by the Principal District Judge, Cuddalore in O.S.No.143 of 2009, dated 14.10.2025 accepting the Memo filed by the respondents 1 and 2/plaintiffs seeking to eschew Exs.B9 to B13 marked through DW.5.

2. It is seen from the typed-set of papers that the respondents 1 and 2 herein filed a suit for partition and the Trial Court granted a decree for 2/6th share in favour of the respondents 1 and 2/plaintiffs in respect of Item Nos.1 to 6 and 9 to 11 of the suit property. Aggrieved by the said decree, the petitioners/defendants 2, 5 and 6 filed first appeal before this Court in A.S.No.835 of 2019. Before this Court an application was filed seeking to receive an additional evidence and Exs.B9 to B13 were marked before the



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Appellate Court. After allowing the additional evidence, this Court set aside the findings of the Trial Court in so far as Item Nos.3, 9 and 10 of the suit properties and remanded the matter to decide the nature of the properties based on the evidence available on record and also on additional documents received in first appeal. The parties were also given liberty to lead evidence to prove the documents that have been received by this Court by way of additional evidence.

3. Thereafter, the matter was taken up for consideration before the Trial Court and DW.5 was examined. Through DW.5, six new documents were marked as Exs.B9 to B15. As per the order of remand, the Trial Court was directed to decide the character of Item Nos.3, 9 and 10 based on the evidence already on record and also based on the additional documents received by the Appellate Court and marked as Exs.B9 to B13 before the Appellate Court. The parties were given liberty to lead evidence to prove the documents received by the Appellate Court. The parties were not given any liberty to mark the documents after remand. Without considering the scope of the remand order passed by this Court, the Trial Court erroneously allowed marking of six documents as Exs.B9 to B15 through DW.5. Therefore, the respondents 1 and 2/plaintiffs filed a memo to eschew the



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documents marked by the Trial Court as the same was against the scope of the remand order passed by this Court. The Trial Court noted the documents were marked through DW.5 by oversight without considering the scope of the High Court direction and therefore, eschewed the documents. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioners would vehemently contend two documents marked before Trial Court were the originals of Exs.B9 and B10 marked before this Court. Therefore, marking originals will not cause any prejudice to the other side.

5. The photostat copies of Sale Deeds dated 28.05.2007 and 27.04.2009 were already filed before the High Court and the same were marked as Exs.B9 and B10. In the absence of any discrepancy between the original Sale Deeds and the photostat copies, there is no need for the petitioners to mark the originals before the Trial Court. Further, the High Court did not permit the parties to mark any fresh documents, after remand. It only allowed the parties to lead evidence in proof of the documents which were received as additional evidence before the Appellate Court.



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6. In view of the limited scope of the remand order, the petitioners are not entitled to introduce documents through DW.5. The Trial Court rightly appreciated the same and eschewed the documents admitted in evidence after remand. I do not find any error in the impugned order passed by the Trial Court.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

06.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Principal District Judge,
Cuddalore.



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S.SOUNTHAR, J.

dm

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