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CRP No.499 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 499 of 2026
and CMP No.2725 of 2026**

1. Mohala,
W/o.Bhaskar Jaisingh,
No.2, Ellaiamman Koil Street,
Link Road, Panruti,
Panruti Taluk.

2. Chitra,
D/o.Rajaram Singh,
No.2, Ellaiamman Koil Street,
Link Road, Panruti,
Panruti Taluk.

..Petitioner(s)

Vs

1. Veeraraghavan,
S/o.Muthal Chettiar,
No.8, 2nd Street, Police Line,
Panruti, Panruti Taluk.

2. M.Siva,
S/o.Manicka Mudhaliyar,
No.6/4, Muthiah Nagar,
Kokkupalayam Road,
Thattanchavadi,
Panruti, Panruti Taluk.



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3. Rani,
W/o.Siva,
No.6/4, Muthiah Nagar,
Kokkupalayam Road, Thattanchavadi,
Panruti, Panruti Taluk.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to aside the Order dated 02.12.2025 passed in I.A.No.42 of 2019 in AS.No.20 of 2017 in O.S.No.424/2004, on the file of Subordinate Judge, Panruti.

For Petitioner(s): Mr.P.Munusami

For Respondent(s) : Mr.N.Palanikumar for R2 and R3
for M/s.P.Kannan kumar

ORDER

This Civil Revision Petition has been filed, challenging the order passed by the First Appellate Court in I.A.No.42 of 2019, dismissing the application filed by the petitioners seeking to receive additional documents.

2. The petitioners herein/plaintiffs, who are all the appellants in the main first appeal in A.S.No.20 of 2017, filed a suit in O.S.No.424 of 2004 seeking declaration of title and permanent injunction restraining the respondents/ defendants from putting up construction in the suit B



schedule property and for mandatory injunction to remove the construction already put up by the defendants in the suit wall in suit B schedule property. They also sought for declaration and recovery of vacant possession in respect of suit C Schedule property. The suit filed by them was dismissed by the Trial Court. Aggrieved by the same, the petitioners/plaintiffs filed the first appeal. Pending first appeal, the petitioners filed the instant application seeking to receive additional evidence and the same was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this court.

3. The petitioners, now, want to produce certain documents relating to the earlier litigation and the documents pressed into service in the earlier litigation. In fact, Judgment, Decree, Advocate Commissioner's Report and plan in the earlier litigation in O.S.No.119 of 1956 had been marked as Ex.A16 to Ex.A19 before the Trial Court in O.S.No.424 of 2004.

4. It is settled law that a petition to receive additional evidence filed under Order 41 Rule 27 CPC shall be considered by the first appellate



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court along with the main appeal. However, in the case on hand, the first appellate court committed an error in considering the said application separately, before taking up the first appeal for final disposal. Therefore, the procedure followed by the first appellate court is not correct and hence, the impugned dismissal order passed by the first appellate court is set aside.

5. Accordingly, CRP No.499 of 2026 stands allowed and the matter is remanded back to the First Appellate Court. The First Appellate Court is directed to consider I.A.No.42 of 2019 filed by the petitioners to receive additional evidence along with the main appeal. There shall be no order as to costs. Connected miscellaneous petition is closed.

27.02.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Subordinate Judge, Panruti.



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S.SOUNTHAR, J.

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