



CRP(MD). No.405 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.01.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.405 of 2025

and

C.M.P(MD) No.2313 of 2025

1.Rajammal

2.Marial

3.Israel John

Name of the third petitioner is amended
by this Court vide order dated 09.04.2025.

... Petitioners

Vs

1.Annammal

2.Martin

3.Amala

4.Minor Jessy

The fourth respondent is represented through
her mother and natural guardian Annammal/
first respondent.

...Respondents

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the orders passed in I.A.No.106 of 2024, dated 13.12.2024 in O.S.No.467 of 2018 on the file of the District Munsif Cum Judicial Magistrate Court, Alangudi, and



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to set aside the same and allow this petition.

For Petitioners : Mr.P.Prabhakaran

For Respondents : M/s.A.Banumathy

ORDER

This Civil Revision Petition has been filed challenging the order dated 13.12.2024 passed in I.A.No.106 of 2024 in O.S.No.467 of 2018 on the file of the District Munsif-cum-Judicial Magistrate Court, Alangudi. The application was filed by the revision petitioners, who are the defendants in the suit.

2. According to the revision petitioners, they are the sisters and brother of one Gnanaprakasam, who died after undergoing medical surgery. Their contention is that the said Gnanaprakasam had undergone surgery, during which, his testicles were removed, rendering him incapable of performing sexual functions, and therefore, there was no possibility of him fathering any child.

3. Per contra, the learned counsel appearing for the respondents submitted that the defendants have filed the suit seeking a declaration to



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declare themselves as the legal heirs of the deceased Gnanaprakasam.

The issue as to whether the deceased underwent surgery and whether his testicles were removed is a disputed question of fact, which can be established only through medical evidence.

4. According to the revision petitioners, the medical records pertaining to the surgery undergone by the deceased Gnanaprakasam are available with the Government Hospital, Pudukkottai. Though the learned counsel for the respondents pointed out certain discrepancies regarding the dates mentioned by the revision petitioners, leaving that aspect aside, it is incumbent upon the trial Court to ascertain whether medical records relating to the surgery and removal of testicles are available with the Government Hospital, Pudukkottai, as such records would constitute primary evidence.

5. It is also relevant to note that the suit has reached the stage of arguments and the medical evidence sought is absolutely necessary for the proper adjudication of the dispute.



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6. In view of the above, the order passed by the trial Court is set aside. The trial Court is directed to issue summons to the Government Hospital, Pudukkottai, for production and marking of the medical records, if available. The revision petitioners are directed to file a fresh application for marking of documents and for examination of the concerned Doctor from the Government Hospital, Pudukkottai.

7. The above exercise shall be completed within a period of two months from the date of receipt of a copy of this order, and thereafter, the trial Court is directed to conclude the trial within a period of six months.

8. With the above directions, this Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

- 1.The Government Hospital, Pudukkottai.
- 2.The District Munsif Cum Judicial Magistrate Court, Alangudi.



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N.SENTHILKUMAR, J.

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