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C.M.P(MD)No.19809 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.02.2026

Pronounced on : 04.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.P(MD)No.19809 of 2025

in

A.S(MD)SR.No.99846 of 2025

T.Deeban,
S/o. Thalavai Samy,
D.No.101, 2nd Floor,
Aspire Nest Apartments,
Hanumanthappa Road,
Kammanahali Main Road,
Ramaswamipalya, Bengaluru,
Karnataka State.

... Petitioner/Appellant

Vs.

1.Thalavai Samy
S/o. Subbaiah Naidu,
D.No.11A/19,
Sannathi Street Lane,
Vickramasingapuram,
Ambasamudram Taluk,
Tirunelveli District.

2. Raguwaran,
S/o. Thalavai Samy,
D.No.11A/19,
Sannathi Street Lane,
Vickramasingapuram,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents/Respondents



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PRAYER : Civil Miscellaneous Petition is filed under Section 151 of CPC, to dispense with the production of the certified copy of the judgment, dated 15.07.2025 passed in O.S.No.242 of 2024 on the file of the Principal District Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

ORDER

The petitioner has filed this Civil Miscellaneous Petition to dispense with the production of the certified copy of the judgment, dated 15.07.2025 passed in O.S.No.242 of 2024 on the file of the Principal District Court, Tirunelveli.

2. The learned counsel for the petitioner submitted that the petitioner had applied for a certified copy of the judgment and decree through a Copy Application. However, the Principal District Court, Tirunelveli, returned the same and instructed to file a Copy Application for the decree copy only and not the certified copy of the judgment, stating that a web copy could be produced instead. Accordingly, the petitioner filed a Copy Application in C.A.No.9418 of 2025 requesting to issue the decree copy only.



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3. He further submitted that the circular in R.O.C.No.83338-A/2024/F1 issued to the Courts does not state that the certified copy of the judgment shall not be issued or that the parties are not entitled to obtain the same. On the contrary, it merely states that the parties may also produce a web copy. However, the limitation period for filing an appeal has to be calculated from the date of receipt of the certified copy alone. Even as per the Rules, the production of a certified copy is mandatory. Hence, the Court below is wrong in not issuing the certified copy of the judgment, despite the petitioner's request made through the copy application.

4. In view of the above, the Registry was directed to call for a report from the learned Principal District Judge, Tirunelveli. Further, the learned Principal District Judge, Tirunelveli, was also directed to submit the original Copy Application in C.A.No.9418 of 2025. Accordingly, the said report along with the original copy application was received by this Court.

5. From the report, it is revealed that the learned Principal District Judge, Tirunelveli has not furnished certified copy of the judgment and only certified copy of the decree was issued on 31.10.2025. On perusal of the copy application in C.A.No.9418 of 2025, it is clear that the petitioner has



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not sought for the certified copy of the judgment, but had only sought for the certified copy of the decree, dated 15.07.2025.

6. In justifying the non issuance of the certified copy of the judgment, the learned Principal District Judge, Tirunelveli has placed reliance upon the letter of the High Court in ROC.No.110700A/2023/Comp.3, dated 22.07.2024 and has enclosed a copy of the same. The High Court, in its letter in ROC.No.110700A/2023/Comp.3, has instructed to accept the web copy of the judgment of the High Court and digitally signed uploaded copies of the orders of the District Judiciary without insisting for certified copies. It does not mean that the litigants are not entitled for certified copy of the judgment when the same is specifically sought by way of filing a copy application. It is the duty of the Court to furnish a certified copy of the order/judgment when the litigant files a copy application. The learned Principal District Judge, Tirunelveli was of the view that whenever a digitally signed copy of the judgement is uploaded, certified copies of the same would not be insisted upon. The learned Principal District Judge, Tirunelveli, has misconstrued the contents of the letter of the High Court.



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7. The High Court of Madras in ROC.No.83338-A/2024/F1, dated

28.08.2025 issued modified directions as

“(i) As regards the appeals under Order XLI-A of the Code of Civil Procedure, 1908, dispense with petitions shall be filed for the present and the same shall be considered on case to case basis.

(ii) As regards intra-court appeals under Order XLI-B of the Code of Civil Procedure, 1908, the Registry shall not insist on EITHER production of certified copies of impugned Judgments and/or decrees, i.e., judgments and/or decrees appealed from OR filing of application with dispense with prayer, in the light of Madras amendment to proviso to Rule (1) of Order XLI-B.

(iii)

(iv) As regards appeals under Order XLIII, if Orders appealed against fall under intra-court category under Order XLI-B, the Registry shall not insist on EITHER certified copies of Judgments/Orders OR application with dispense with prayer, as long as hard copies of Web copies which are downloaded from the Official Website of Madras High Court (watermarked and QR Coded) are produced, but if the Orders appealed against fall under Order XLI-A category a dispense with



petition shall be filed for the present and the same shall be decided by the Court, on case to case basis.

(v)

(vi)It is hereby directed that the limitation shall be computed from the date of uploading of the Order copies in the official Website of the High Court (QR Coded).”

8. From the above circular, it is very clear that if the appeals are filed against the order/judgment of the intra-court, the petition for dispense with shall not be insisted. In the case on hand, the judgment does fall under the intra-court category.

9. The present civil appeal is filed against the judgment and decree of the Principal District Court, Tirunelveli, and does not fall under the intra-court category. Since the learned Principal District Judge, Tirunelveli has not furnished certified copy of the judgment, the petitioner has filed this present petition for dispense with the production of same. Hence, in the above facts and circumstances, this Court is of the view that the present petition deserves to be allowed.



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10. Accordingly, this Civil Miscellaneous Petition is allowed and the production of certified copy of the judgment is dispensed with for the present. The petitioner shall file the certified copy of the judgment on receipt of the same from the Trial Court.

11. Further, the learned Principal District Judge, Tirunelveli, is directed to issue certified copies of the judgment/orders whenever copy application is filed. The Registry is instructed to return the original Copy Application in C.A.No.9418 of 2025 to the learned Principal District Judge, Tirunelveli and mark a copy of this order to the said Court.

04.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

The Principal District Judge,
Tirunelveli.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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in
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