



CRP(MD). No.3759 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3759 of 2025
and CMP(MD).No.19794 of 2025**

V.Murugesan

... Petitioner

Vs.

S.Selvaraj

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and executable order dated 25.10.2025 passed in the application in I.A.No.1 of 2025 in A.S.No.24 of 2024 on the file of the I Additional District Court, Madurai.

For Petitioner : Ms.A.Sakthi Bhavatharani for
Mr.J.Barathan

For Respondent : Mr.V.K.Muthupandian
Legal aid counsel

ORDER

This Civil Revision Petition has been filed challenging the fair and executable order dated 25.10.2025 passed in the application in I.A.No.1 of 2025 in A.S.No.24 of 2024 on the file of the I Additional District Court, Madurai.



CRP(MD). No.3759 of 2025

WEB COPY

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. This civil revision petition has been filed against the order passed in I.A.No.1 of 2025 in A.S.No.24 of 2024 stating that the order is a cryptic order and there is no discussion about the issues that were raised and there is no finding. The order of the court below is extracted hereunder.

“Memo filed. Counter filed. Petitioner counsel submit that came to know about the sale deed only just prior to filing of suit and petitioner prayed to file EC said to be obtain on 08.01.2019. Respondent counsel submit that no reason stated for not filing the document at the suit trial and pray to dismissed the petition. It has been mentioned in plaint that prior to suit he came to know the transfer. Hence this Court itself ordered to produce the EC for verification. Under this circumstances this petition is allowed and the evidentiary value of the document will be decided at trial.”

4. The judgment is passed under Order XX Rule 1 of C.P.C. Whether the judgment is pronounced under the said class. Order XX Rule 1 C.P.C. is extracted hereunder.

“1. Judgment when pronounced.—[(1) The Court, after



the case has been heard, shall pronounce judgment in an open Court, either at once, or as soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall fix a day for that purpose, of which due notice shall be given to the parties or their pleaders:

Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded but, where it is not practicable so to do on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders.]

**[(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.]*

[(2) Where a written judgment is to be pronounced, it shall be sufficient if the findings of the Court on each issue and the final order passed in the case are read out and it shall not be necessary for the Court to read out the



whole judgment.

****.*

(3) The judgment may be pronounced by dictation in open Court to a shorthand writer if the Judge is specially empowered by the High Court in this behalf:

Provided that, where the judgment is pronounced by dictation in open Court, the transcript of the judgment so pronounced shall, after making such correction therein as may be necessary, be signed by the judge, bear the date on which it was pronounced, and form a part of the record.]

5. Where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded. When a judgment has to be prepared, the narration of all the facts raised by the revision petitioner and the respondent and discussion with regard to the issues raised and the findings have to be given. In the present case, there is no discussion in the impugned order regarding the pleadings made by the revision petitioner as well as the respondent, nor is there any analysis by the Court explaining how it arrived at its conclusion. Therefore, the said order is a cryptic order.



CRP(MD). No.3759 of 2025

6.The judgment of **G. Selvam v. Kasthuri (Deceased)**, reported in **2015**

(3) L.W. 705 : (2015) 4 CTC 673 : (2015) 5 MLJ 835 (Mad), was taken into consideration by this Hon'ble Court in **C.R.P. No. 366 of 2025**, wherein it was held that the order passed by the Court must be a **speaking order**, dealing with the contentions raised by the parties, the discussion on the issues involved, and the reasons leading to the conclusion.

7.Per contra, the learned counsel for the respondent Mr.V.K.Muthupandiyan , Court appointed legal aid counsel, submitted that the appellate Court had made discussion with regard to the documents which were obtained on 18.01.2019. To substantiate his version, he relied upon the Judgment of the High Court of Himachal Pradesh at Shimla in the case of ***Hemant Kumar Vs. State of Himachal Pradesh and another*** reported in **2020 SCC Online HP 1707**, wherein it has been held as follows:

“13. At the very outset, this Court would like to observe that in exercise of its power of judicial review against the decision of the Disciplinary Authority or the Appellate Authority, as the case may be. this Court is not to act as an Appellate Authority, but primarily has to see as to whether the Disciplinary proceedings were conducted in a manner which is in consonance with the CCS(CCA) Rules, 1965 and whether the petitioner was given a fair opportunity to put forth his case or



not. It is not the case of the petitioner that the disciplinary proceedings were conducted by the Inquiry Officer in violation of the provisions of CCS(CCA) Rules or that he was not heard. Further, as far as the contention of learned counsel for the petitioner that the order passed by the Disciplinary Authority or for that matter by the Appellate Authority, are non-speaking orders, this Court is of the view that keeping in view the fact that the allegation against the petitioner was of willful absence from duty, which duly stood proved from the record itself, there was no necessity for the Disciplinary Authority or the Appellate Authority to have had passed a lengthy order, because perusal of the orders passed demonstrate that by no stretch of imagination it can be said that the orders passed by the Disciplinary Authority or the Appellate Authority, are non-speaking orders. This Court reiterates that speaking orders does not ipso facto means that they have to be lengthy orders also. If the order, may be brief, spells out the reasons as to why it has been passed, then it is a speaking order and it is not necessary that only lengthy order can be said to be a speaking order.”

8.He also relied upon the case of the Honourable Supreme Court in ***State of Rajasthan Vs. T.N.Sahani and others*** reported in ***(2001) 10 Supreme Court Cases 619***, wherein it has been held as follows:

“4. It may be pointed out that this Court as long back as



in 1963 in K Venkataramiah v. Seetharama Reddy pointed out the scope of unamended provision of Order 41 Rule 27(c) that though there might well be cases where even though the court found that it was able to pronounce the judgment on the state of the record as it was, and so, additional evidence could not be d required to enable it to pronounce the judgment, it still considered that in the interest of justice something which remained obscure should be filled up so that it could pronounce its judgment in a more satisfactory manner. This is entirely for the court to consider at the time of hearing of the appeal on merits whether looking into the documents which are sought to be filed as additional evidence, need be looked into to pronounce its judgment in a more satisfactory manner. If that be so, it is always open to the court to look into the documents and for that purpose amended provision of Order 41 Rule 27(b) CPC can be invoked. So the application under Order 41 Rule 27 should have been decided along with the appeal. Had the Court found the documents necessary to pronounce the judgment in the appeal in a more satisfactory manner it would have allowed the same, if not, the same would have been dismissed at that stage. But taking a view on the application before hearing of the appeal, in our view, would be inappropriate. Further the reason given for the dismissal of the application is untenable. The order under challenge cannot, therefore, be sustained. It is



accordingly set aside. The application is restored to its file. The High Court will now consider the appeal and the application and decide the matter afresh in accordance with law.”

9.He would further rely on the Judgment of this Court made in the case of ***Lalitha Vs. Sow Balani and others*** in ***C.R.P.(MD).No.1206 of 2023*** dated 01.06.2023, where in it has been held as follows:

“9. The Appellate Court can also allow any evidences or document to be produced or witness to be examined if the Appellate Court requires such documents to be produced or such witness to be examined to enable it to pronounce the Judgment or for any other substantial cause.

10. A Appeal Suit is continuous of the Original Suit. In this case, the Court has exercised its discretion in favour of the first respondent by allowing I.A. filed for allowing the additional documents. Therefore, the power exercised by the Appellate Court in allowing the I.A. filed by the respondent to mark additional documents does not call for interference. Ultimately, the Courts are required to do justice by pronouncing Judgment and Decree based on evidence and render justice. Therefore, I do not find any scope for interfering with the impugned order. This impugned order does not call for interference.”



CRP(MD). No.3759 of 2025

10.The point that arises for consideration is, whether the Court below can pass a cryptic order and can proceed further? On the other hand, if the order is not a non-speaking order and if it is a cryptic order without discussion of the claim, the contention of the competing parties and the discussion that ensued, as well as the conclusion i.e., order which was passed without following the fundamental requirements as contemplated under Order XX Rule 2, cannot be taken into consideration. Consequently, the said order is of a cryptic nature, and it is also a non-speaking order, which means that it is susceptible to being disregarded. Therefore, the order is liable to be set aside.

12.Accordingly, this civil revision petition is allowed. No costs. The fair and executable order dated 25.10.2025 passed in the application in I.A.No.1 of 2025 in A.S.No.24 of 2024 on the file of the I Additional District Court, Madurai, is hereby set aside.

13.The Court places on record its appreciation for the commendable efforts of the legal aid counsel for the respondent, namely, Mr.V.K.Muthupandian, for conducting the case diligently and providing valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench shall pay a total sum of Rs.10,000/- towards



CRP(MD). No.3759 of 2025

remuneration to the legal aid counsel for conducting the case, within a period of two weeks from the date of receipt of a copy of this order, without fail.

14.Registry is directed to forward a copy of this order to the Legal Aid Committee for information.

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

11.02.2026

TM

To

- 1.The I Additional District Judge, Madurai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.
- 3.The Legal Aid Committee,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.3759 of 2025

N.SENTHILKUMAR, J.

TM

CRP(MD). No.3759 of 2025

11.02.2026