



WEB COPY

A No. 1357 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1357 of 2026
in C.S.No.678 of 2019

1. Satharasala Venkatachellum Chetty Charities,
Rep. by its Secretary,
New No.11,Old No.4,
Kasi Chetty Lane, III Floor,
Sowcarpet, Chennai – 600 079.

2. Suneetha Suresh
D/o.Late. Sathrasala Sugunakar
W/o.Mr.Suesh Trustee,
Sathrasala Venkatachellum Chetty Charities,
Flat No.1107, 1st Block, Arcot Road,
Vadapalani, Chennai - 600 026.

..Applicant(s)

Vs

1. Sathrasala Sharath Babu
Trustee,
Sathrasala Venkatachellum Chetty Charities,
No.110, Pondy Bazaar, Ranga Complex,
T.Nagar, Chennai – 600 017.

2. Sathrasala Shaminath
Trustee (Terminated)
Sathrasala Venkatachellum Chetty Charities,
No.110, Pondy Bazaar, Ranga Complex,
T.Nagar, Chennai – 600 017.

Sathrasala Sugunakar (Deceased)
Manmohan (Deceased)
Kannudu (Deceased)



3. Seshadri
Trustee,
Sathrasala Venkatachellum Chetty Charities,
No.74/55, 1st Street, First Floor,
Chinnamettupalaym, Tiruvottiyur Post,
Kaladipet, Chennai – 600 019.

4. Arun Kumar
Trustee,
Sathrasala Venkatachellum Chetty Charities,
No.85/51, Sannathi Street, Kaladipet,
Chennai – 600 019.

5. E.Sudarsan
Trustee (Resigned),
Sathrasala Venkatachellum Chetty Charities,
No.62/33, First Floor,
Venkata Rama Iyer Street, Kondithope,
Chennai – 600 079.

6. Sathrasala Suresh Khana
S/o Late Sathrasala Sugunakar,
Residing At F-6, Gokuladharash,
Apartments, 69/45, 7th Avenue,
Ashok Nagar, Chennai – 600 083.

..Respondent(s)

Prayer: Application filed under Order 14, Rule 8 of the OS Rules r/w. Order 8, Rule 1(A) and Section 151 of CPC to receive the below listed 16 documents as additional documents in addition to the documents filed earlier by this Applicant - Trust.

For Applicant(s): Mr.Sathish Kumar

For Respondent(s): Mr.G.RM.Palaniappan

**ORDER**

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This application has been filed to receive 16 documents as additional documents in addition to the documents filed earlier by this Applicant – Trust in C.S.No.678 of 2019 pending on the file of this Court.

2. The application in A. No.1357 of 2026 in C.S. No.678 of 2019 has been filed by the defendants 1 and 8 seeking permission to receive additional documents, sixteen documents, namely, School Certificate of 2nd Plaintiff fraudulently showing his Caste as MBC by the 1st Plaintiff, dated 23.05.2011; Income Tax Returns duly filed for the Assessment Years 2016-17, 2017-18 & 2018-19, dated 01.07.2016, 26.01.2018 and 19.07.2018; Resolution unanimously passed by first defendant Trust condemning the illegal act of the Plaintiffs, dated 07.04.2018; Resolution unanimously passed by first defendant Trust seeking action against the Plaintiffs, dated 30.08.2018; Resolution unanimously passed by trustees terminating Plaintiffs from trusteeship, dated 21.09.2019; Resolution appointing 8th defendant as Lifetime Trustee, appointment of Sushmitha & Raghukumar as new trustees and acceptance of resignation of trustees Seshadri & Sudarshan from their trusteeship, dated 27.12.2019; Legal Notice sent by first Defendant Trust to 1st Plaintiff asking to deliver the Ambattur property, dated 24.01.2020; Order passed by this Hon'ble High Court closing applications A.No.1080 & 1081 of 2019 and O.A.No.40 of

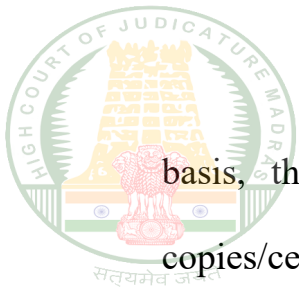


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2020, dated 27.11.2020; Death Certificate of Mr.Sugunakar, then Managing Secretary of 1st Defendant Trust, dated 12.05.2021; Mail from DBS Bank confirming the anonymous letter by 9th defendant with 65B certificate, dated 29.07.2021; Reply to DBS Bank by the first Defendant seeking to defreeze the bank account with 65B certificate, dated 31.07.2021; Applications A.Nos.3107 & 3108 of 2021 in the present suit filed by 5th and 6th Defendants seeking to strike off their names, dated 24.07.2021; Order passed by this Hon'ble Court in W.P.No.20048 of 2022 filed by first Defendant Trust against DBS Bank & RBI Ombudsman, dated 23.08.2024; Restoration A.Nos.1553 & 1554 of 2021 filed by Plaintiffs under Order 9, Rule 9 CPC, dated 25.03.2021; Common order passed by Hon'ble Justice Kumaresh Babu in I.A.Nos.1553, 1554, 262 & 2186 of 2023 & O.A.Nos.43 & 322 of 2023 and 533 of 2021 in C.S.No.678 of 2019, dated 05.06.2023 and Order passed by this Hon'ble High Court in O.S.A.Nos.148 and 149 of 2023 dismissing the Common Order passed by pertaining to appointment of Administrator, dated 09.08.2024.

3. The learned counsel appearing for the respondents 1 and 2 strongly objects to receive the documents as additional documents.

4. The affidavit filed in support of the application itself states that what is sought to be produced are xerox copies/certified copies of those documents and Sl.No.15 alone is original and Sl.Nos.3, 4, 5, 6, in those documents. On that



basis, the defendants 1 and 3 seeks permission to file the said xerox copies/certified copies as additional documents. This Court is not inclined to grant the relief sought. What is admittedly sought to be received are only xerox copies. In the absence of a proper case made out for reception of secondary evidence, xerox copies cannot be received as additional documents merely on request. The affidavit does not set out the necessary particulars for bringing the case within Section 63 and 65 of the Evidence Act. A mere xerox copy of a document cannot be admitted as secondary evidence in the absence of foundational proof satisfying Sections 63 and 65 of the Evidence Act. [*H. Siddiqui v. A. Ramalingam, (2011) 4 SCC 240*]. Therefore, the prayer to receive the said xerox copies as additional documents cannot be entertained except Sl.Nos.3, 4, 5 and 6 which are certified copies and Sl.No.15 which is original, namely, Common order passed by Hon'ble Justice Kumaresh Babu in I.A.Nos.1553, 1554, 262 & 2186 of 2023 & O.A.Nos.43 & 322 of 2023 and 533 of 2021 in C.S.No.678 of 2019, dated 05.06.2023.

5. Accordingly, the application stands partly allowed. No costs.

22-04-2026

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DR.A.D.MARIA CLETE, J.

SRM

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