

C.R.P.(MD).No.545 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).No.545 of 2023

and

C.M.P.(MD).No.2598 of 2023

C.Boopathi

... Petitioner/Petitioner/Plaintiff

Vs.

1.C.Ravichandran

2.K.Vijayalakshi

3.S.Mala

... Respondents 1 to 3/Respondents 1 to 3/
Defendants 1 to 3

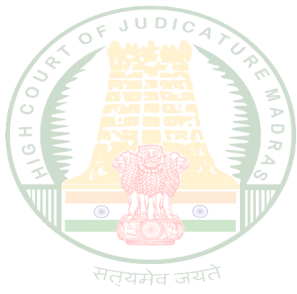
4.C.Valarmathi

5.S.Pakiyam

6.S.Sangeetha

... Respondents 4 to 6/Respondents 4 to 6/
Defendants 4 to 6

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 09.01.2023 made in I.A.No.49 of 2022 in O.S.No.13 of 2019 on the file of I Additional District Judge, Madurai, set aside the same and allow this Civil Revision Petition.



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For Petitioner : Mr.J.Preetam
for Mr.V.Janakiramulu
For R-1 : Mr.T.K.Gopalan
For R-3 to R-5 : No appearance

ORDER

Heard Mr.J.Preetam representing Mr.V.Janakiramulu for the petitioner and Mr.T.K.Gopalan for the first respondent.

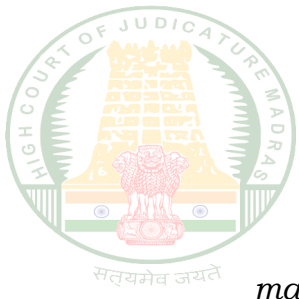
2. This revision challenges the order of the learned I Additional District Judge, Madurai in I.A.No.49 of 2022 in O.S.No.13 of 2019 dated 09.01.2023, refusing to grant leave for marking one particular document on the ground that the document is unregistered and unstamped.

3. The petitioner filed a suit in O.S.No.13 of 2019 seeking the following reliefs:

(a) directing the 1st defendant herein to allot ½ share of the suit schedule properties to the plaintiff;

(b) grant an order of permanent injunction restraining the defendants herein, their men, agents, or any one claiming under them from in any manner either alienating or encumbering the suit schedule properties to any third parties;

(c) for cost of the suit; and



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(d) pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

4. Apart from this suit, another suit in O.S.No.129 of 2018 seeking the relief of declaration of title and injunction and another suit for partition in O.S.No.211 of 2018 are pending before the same Court. All the three suits are clubbed together and have proceeded for trial.

5. The first respondent herein, as the plaintiff in O.S.No.129 of 2018, has entered the witness box and marked the documents. The civil revision petitioner, as the plaintiff in O.S.No.13 of 2019, had filed an application under Order VII Rule 14(1) of the Code of Civil Procedure to receive a total of 28 documents. The learned Judge was convinced to grant leave for 27 documents. He rejected leave for the 28th document, which is “பாகபட்டியல்” dated 28.03.2018, on the ground that it is hit by Section 17 read with Section 49 of the Registration Act and Section 35 of the Stamp Act. Aggrieved by the same the plaintiff is on revision.

6. It is plea of the petitioner that he had sought permission to file these documents in the Court; that the order of the learned Trial Judge holding that the aforesaid provisions have not been satisfied and the plaintiff



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had not proved the document, goes beyond the scope of the application.

Hence, he seeks interference.

7. Per contra, Mr.T.K.Gopalan, inviting my attention to the said document, points out that “பாகபட்டியல்” is a document dividing the property in *praesenti* and therefore, the learned Trial Judge rightly refused to grant permission to the same. Hence, he seeks dismissal of the revision.

8. I have carefully considered the submissions of both sides. I have gone through the records.

9. A perusal of the affidavit filed in support of I.A.No.49 of 2022 in O.S.No.13 of 2019 shows that the petitioner had only sought condonation of delay in filing the documents. In fact, post the amendment to the Code of Civil Procedure in 2002, the question of explaining delay in filing the documents does not arise. Order XIII of the Code was specifically amended. The aspect of delay was deleted and corresponding amendments were made to Order VII Rule 14(3) and Order VIII Rule 1A(3), permitting the parties to seek the leave of the Court to file the documents.

10. By the very nature and texture of the word 'leave', it is not as drastic as a provision for condonation of delay, as it earlier stood. Leave, by its very nature, requires a lesser extent of convincing than in the case of



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delay. A perusal of I.A.No.49 of 2022 shows that the documents filed have already been exhibited in the title suit as Ex.B1 to Ex.B30. The plaintiff herein has merely attempted to bring forth on record the documents already filed in the earlier suit as documents in the present suit. Unfortunately, the learned Judge has proceeded into appreciation on merits of the documents. That stage has not yet arrived. Whether a document requires stamp duty or registration gets postponed till the document is tendered in evidence by the party after entering the witness box. Hence, the exercise carried out by the learned Trial Judge in the impugned order is premature.

11. The right procedural drill that the learned Judge should have followed is to permit the parties to tender the document and in case, there is an objection at the stage of marking the documents from the side of the adversary, he should have decided whether the document requires registration or should suffer stamp duty. Instead, he put the cart before the horse. Having been convinced that the document Nos.1 to 27 can be received in evidence, as he was satisfied with the explanation given by the plaintiff for not presenting them along with his plaint, the same situation prevails with respect to document No.28 also.

12. In the light of the above discussion, the revision succeeds and the same is **allowed**. The order passed by the learned I Additional District



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Judge, Madurai in I.A.No.49 of 2022 in O.S.No.13 of 2019 dated 09.01.2023

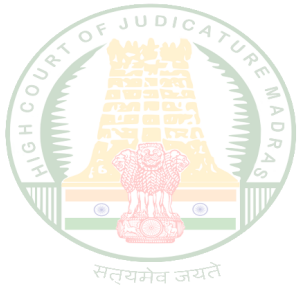
is set aside insofar as Document No.28 is concerned. Leave is granted to the plaintiff to introduce “பாகபட்டியல்”/Document No.28 in O.S.No.13 of 2019. In case, any objection is raised at the time of marking this document, the learned Trial Judge shall decide whether it requires stamp duty or registration at that stage. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

The I Additional District Court,
Madurai.



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V.LAKSHMINARAYANAN,J.

Lm

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