



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

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

A No. 3003 of 2026

AND

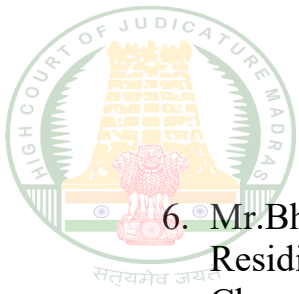
CS NO. 553 OF 2011

1. M/s.Pavalai Kalyanasundara
Mudaliar Trust, Rep. By Its Managing Trustee
Mr.G.Nehruji
2. Mr.G.Nehruji
S/o.Late.D.Govindaswamy Mudaliar, Managing
Trustee Of Pavalai Kalyanasundara Mudaliar
Trust
3. Mrs.B.Chandrakala
D1 To D3 Are Residing At No.20/70,
Apparswamy Koil Street, Tiruvottiyur,
Chennai-19.

..Applicant(s)

Vs

1. Arulmigu Sivasubramania Swamy Thirukkcoil
And 11 Others
Thirukkcoil, Rep. By Its Executive Officer,
Arulmigu Sengaluneer Vinayagar And Kolor
Amman Thirukkcoil At Mint Street, Chennai-79
2. Mrs.Anitha Bhansali
Residing At No.81, Mint Street, Chennai-79.
3. Mr.Gangan M Bhansali
Residing At No.81, Mint Street, Chennai-79.
4. Mr.Parasmal Jain
Residing At No.8, Narayana Mudali Street,
Chennai-79
5. Mr.Kamlesh Kumar Jain
Residing At No.8, Narayana Mudali Street,
Chennai-79



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6. Mr.Bharat Kumar
Residing At No.8, Narayana Mudali Street,
Chennai-79

7. Mrs.Surekha
No.7/22, Pillaiyar Koil Street, Chennai-3.

8. Mr.Sohanlal
No.12, Elkandappan Street, Chennai-3.

9. C.Chiranjeev
No.19, Karuppannan Street, Chennai-1

10.Ibrahim Shah
No.5, Pannaikara Andiappan Street, Seven
Wells, Chennai-1.

11.Jitendra Kumar
No.80/1, Jarayana Mudali Street, Chennai-79.

12.The Commissioner
Corporation Of Chennai, Rippon Buildings,
Park Town, Chennai-3.

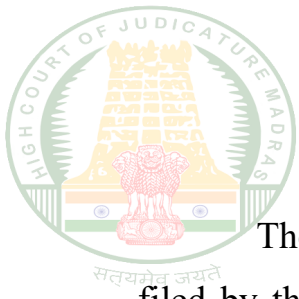
..Respondents

A No. 3003 of 2026

To permit the Applicant to file the listed documents as additional
suit documents/ evidence.

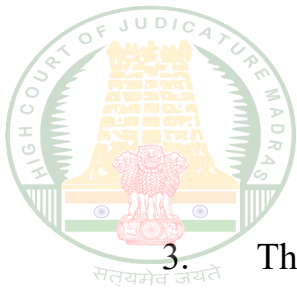
For Applicant(s): M/s.G.Daisy John

For Respondent(s): Mr. S.S.Ramalingam for R1
M/s.A. Prabhakaran for RR2 to 6
Mr.Vikram Jain for RR7 & 8
Mr.S.Ramesh Kumar for R9
Mr. M.A.Abdul Hasan shathali

**ORDER**

The application in A. No.3003 of 2026 in C.S. No.553 of 2011 has been filed by the 1st defendant seeking leave to mark, as additional documents, twelve documents, namely, the Will executed by Pavalai Kalyanasundara Mudali along with clean copy, dated 09.03.1984; the patta in the name of Annamalai Mudaliar & others, dated 23.04.1986; the Will executed by Poonayagam Parthasarathy Mudaliar along with clean copy and translation, dated 07.02.1888; the Will executed by P.P.Dhatshinamurthy Mudaliar along with Clean copy and translation dated 05.12.1905; the order passed in OP.NO.35 of 1906 by the Hon'ble High Court of Madras along with clean copy, dated 10.04.1906; the supplemental deed of trust, registered as Doc.No.4866/2007, on the file of SRO-thiruvottriyur, dated 27.12.2007; the final order passed in OP.No.544 of 2008 by the Hon'ble High Court of Madras, dated 06.02.2009; the extract from the Permanent Land Register in the name of Pavalai Kalyana sundara Mudaliar Trust for R.S.No.7381, dated 10.09.2009; the name transfer approval from Chennai Corporation in the name of Respondents 2 to 6, dated 13.03.2010; the payment receipt of Chennai Metropolitan water Supply and Sewerage in the name of Respondents 2 to 6, dated 01.06.2010; the planning permit issued in the name of respondents 2 to 6 by the Corporation of Chennai, dated 02.06.2010 and the extract from the permanent land register in the name of C.Chiranjeevi for R.S.No. 7381, dated 26.04.2011. The affidavit filed in support of the application itself states that what is sought to be produced are only Xerox copies of those documents.

2. The averments in support of the application are that certain material documents relating to title including Wills, patta and the order passed in OP.No. 35 of 1906, could not be filed earlier as the original were not available and therefore, permission is sought to file the said additional documents , the defendants seek permission to file the said Xerox copies as additional documents. .



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3. 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.

4. Accordingly, the application stands dismissed. No costs.

23-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JRS



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DR.A.D.MARIA CLETE J.

JRS

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AND
CS NO. 553 OF 2011**

23-07-2026