



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.2856 of 2018
IN
SA(MD) No.66 of 2007

CHANDRASEKARI

... PETITIONER/APPELLANT

Vs

VELLAICHAMI

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to file document annexed herewith as additional document in SA.No.66/2007 and thus render justice.

Prayer in SA(MD). 66/ 2007 :

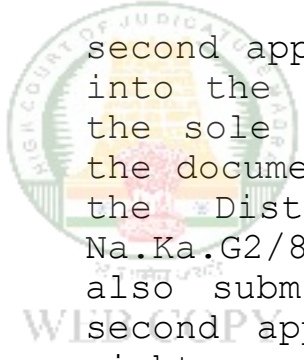
To set aside the Judgment and Decree dated 21/02/2006 in AS.145/2005 on the file of the Sub Judge, Trichy reversing the Judgment and Decree dated 27/12/2004 in OS.119/2003 on the file of the District Munsif, Manapparai, allow the Second Appeal as prayed for and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.G.MANIKANDAN, Advocate for M/S.AL.GANDHI MATHI, Advocate for the petitioner and of MR.RAGHUVARAN GOPALAN, Advocate for the Respondent the court made the following order:-

Sole appellant in the main second appeal is the lone petitioner herein. Sole respondent in the main second appeal is the lone respondent herein.

2.Parties in this petition shall henceforth be referred to by their respective ranks in the main second appeal. In other words, 'petitioner' herein shall be referred to as 'appellant'.

3.I am informed that the second appeal arises out of a suit for bare injunction. Both the adversaries claim to be cultivating tenants and therefore, revenue records in this regard have assumed significance. Considering the fair stand that has been taken by Mr.Raghuvaran Gopalan, in the instant



second appeal, I deem it appropriate, not to dwell any further into the factual aspects of the matter. Learned Counsel for the sole respondent Mr.Raghuvaran Gopalan, has submitted that the document that is being sought to be marked ie., an order of the District Revenue Officer dated 08.02.2013 bearing Na.Ka.G2/81138/2004, is a public document. Learned Counsel also submits that it will be relevant for disposal of the second appeal. Though obvious, it is made clear that all rights and contentions of the learned Counsel for the respondent qua the aforesaid document which is sought to be marked are reserved to be raised in the second appeal.

4.The document that is sought to be marked shall now be marked, however, subject to appellant perambulating within the four corners of Section 100 of Code of Civil Procedure, 1908 ("CPC" for brevity).

5.To be noted, the main second appeal arises out of a suit viz., O.S.No.119 of 2003, on the file of District Munsif Court, Manapparai. It has travelled to this Court via A.S.No.145 of 2005, on the file of Subordinate Judge's Court, Trichy. In the trial Court, it is noticed that four exhibits ie., Ex.A.1 to A.4 have been marked on behalf of the plaintiff. To be noted, appellant is plaintiff in trial Court. Therefore, the document that is now being sought to be marked, the details of which have been set out supra, is now marked as Ex.A.5, reserving the rights and contentions of the respondent and holding that the appellant must perambulate within the four corners of Section 100 of CPC, qua Ex.A.5 too.

6.Registry is directed to assign Exhibit No.A.5 to the aforesaid document adhering to all procedural formalities within five working days from today, ie., on or before 16.04.2018. To be noted, aforesaid document being a public document, is marked by consent, without any issues regarding relevance, proof and admissibility. Therefore, there is no need or necessity to take recourse to Rule 28 of Order 41 of CPC.

7.Be that as it may, rights and limitations of the parties have been set out supra.

8.Petition is allowed on above terms.

sd/-
09/04/2018

/ TRUE COPY /



TO

1 THE SUBORDINATE JUDGE, TRICHY

2 THE DISTRICT MUNSIF, MANAPPARAI

COPY TO : The Section Officer,
V.R.Section,

Madurai Bench of Madras High Court, Madurai.

GJM/CM/VR/SAR-4-16.4.18-3P-4C

ORDER

IN

CMP (MD) No.2856 of 2018

IN

SA (MD) No.66 of 2007

Date : 09/04/2018