



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

Monday, the Ninth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.783 of 2017

IN

SA No.1048 of 2001

1 KRISHNAMMAL
2 KAYALVIZHI
3 THANUMOORTHY
4 ASHA
5 GOVINDARAJ

... PETITIONERS / APPELLANTS

Vs

1 SARASAM
2 RATISH
3 MURUGESH

4 THE STATE OF TAMILNADU
REPRESENTED BY THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT .

5 THE DISTRICT EDUCATIONAL OFFICER
NAGERCOIL, KANYAKUMARI DISTRICT

6 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
RAMAPURAM, THOVALAI VILLAGE AND TALUK
KANYAKUMARI DISTRICT

... RESPONDENTS / RESPONDENTS

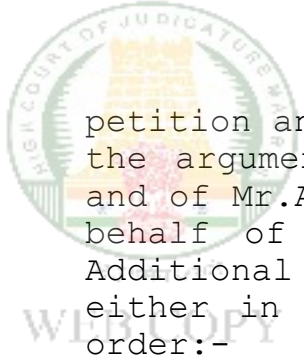
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to receive the document more specifically mentioned in the petition schedule herein, as additional evidence in the appeal, and thus render justice.

PRAYER IN SA No.1048 of 2001:-

Judgment and Decree of the court of the Additional Sub Judge, Nagercoil in A.S.No.89 of 2000 dated 31.01.2001 in reversing the well considered judgment and decree of the Court of the Principal District Munsif, Nagercoil in O.S.No.93 of 1995 dated 21.07.2000, is even otherwise illegal, incompetent, irregular and without jurisdiction and in any event liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER : This petition coming on for orders upon perusing the



petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.SELVAKAMATCHI, Advocate for the petitioners and of Mr.A.ARUMUGAM, Advocate for M/S AJMAL ASSOCIATES (LAW FIRM) on behalf of the Respondent 1, Mr.PRABHU, Advocate for Mr.C.RAMAR, Additional Government Pleader for R4, R5 and R6, and R2 not appeared either in person or by an Advocate, the court made the following order:-

There are five appellants in the main second appeal, i.e., S.A.No.1048 of 2001. There are six respondents in the main second appeal. Appellants 1 to 5 in the main second appeal are petitioners 1 to 5 herein. Respondents 1 to 6 in the main second appeal are respondents 1 to 6 herein.

2 Parties in this petition are hereinafter referred to by their respective ranks in the main second appeal for the sake of convenience and clarity.

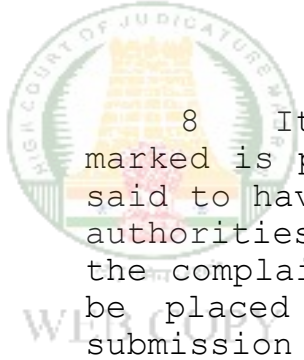
3 Mr.P.Selvakamatchi, learned counsel representing the counsel on record for appellants is before this Court. Mr.A.Arumugam of M/s.Ajmal Associates (Law firm) on record for respondent No.1 is before this Court. Second respondent has entered appearance through counsel, but there is no representation. Respondent No.3 has been duly served (since declared major) and his name is shown in the cause list, but none appears. On behalf of respondent Nos.4,5 and 6, who are official respondents, Mr.Prabhu, representing Mr.C.Ramar, learned Additional Government Pleader is before this Court.

4 I have heard all learned counsel in this petition, i.e., C.M.P. (MD) No.783 of 2017.

5 This petition has been filed inter-alia under Order XLI Rule 27 of Civil Procedure Code, 1908 ('CPC' for brevity) with a prayer to mark one document as additional exhibit in this second appeal.

6 The lone document that is sought to be marked is a police complaint of May, 1980 (specific date not available) said to have been given by the first respondent against six individuals. To be noted, all six individuals against whom the complaint is said to have been given are not parties to the instant second appeal. Be that as it may, learned counsel for first respondent, Mr.A.Arumugam takes serious objection to this petition by saying that first respondent never gave such a police complaint. This submission is taken on record.

7 Considering that this is a second appeal under Section 100 CPC which turns only on substantial question of law and considering the submission made on behalf of first respondent, I find no merit in this petition. Respondent Nos.4, 5 and 6, who are represented by learned Additional Government Pleader, are formal parties.



8 It is further more, the document that is being sought to be marked is purportedly a copy of the complaint made in 1980 which is said to have been given by first respondent to jurisdictional police authorities. It is also the objection of Mr.Arumugam that a copy of the complaint cannot be marked and if at all, the originals have to be placed before the Court and that will also be subject to submission which he may make on the same.

9 Learned counsel for appellants submits that he may be able to lay his hands on CSR or FIR if the learned counsel does so within next one week. It is open to the learned counsel to take out suitable application which will be considered on merits. Reserving this right and liberty to the appellants, the instant petition is dismissed. No costs.

sd/-
09/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL SUBORDINATE JUDGE,
NAGERCOIL
- 2 THE PRINCIPAL DISTRICT MUNSIF
NAGERCOIL

+1. C.C. to M/S.V.RAGHAVACHARI Advocate SR.No.5806

VVK
JAM/12/04/2018/ PN-KAK /VK/3P-4C

ORDER
IN
CMP(MD) No.783 of 2017
IN
SA No.1048 of 2001
Date :09/04/2018