



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

Monday, the Seventeenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP (MD) No.1768 of 2020
IN
AS No.1024 of 1994

PUNNIYAMOORTHY

... PETITIONER/ 12TH ACCUSED

Vs

1 CHINNAPPAN

2 RATHINAM

...1ST AND 2ND RESPONDENTS/
1ST AND 2ND APPELLANTS

3 CHINNAPONNU AMMAL

4 PALANI MANICKAM

5 SELVI

6 MANICKA ODAYAR, (DIED)

7 KARUPPU ODAYAR (DIED)

8 RAJANGAM

9 NALLATHAMBI

10 AYYADURAI

11 THIRUMATHI NALLAMMAL

12 THANIKODI

13 PAPPA ALIAS KALAISELVI

14 PUNNIYAMOORTHY

15 ARUNACHALAM

16 RAJAMANI (DIED)

17 TMT. KASIAMMAL (DIED)

18 THAVAMANI

19 PUNNIYAMOORTHY ODAIYAR

20 M. SIVAKUZHUTHU ODAIYAR

21 NAMBI RAJAN ODAIYAR

22 MURUGESAN ODAIYAR

23 SHANMUGANATHAN ODAIYAR

24 M.JOTHIVEL ODAIYAR

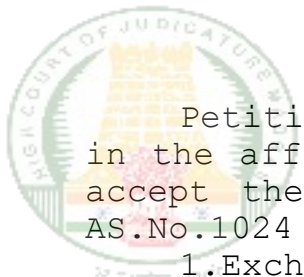
25 JEYALAKSHMI

26 NATARAJAN

27 RAJESWARI

28 VASAMBAL

... LR of deceased 7th respondent
in CMP(MD)No.4122 of 2017 /
RESPONDENTS/ RESPONDENTS



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to accept the following 1 to 4 documents as additional document in AS.No.1024 of 1994.

1.Exchange Deed dated 07.06.1998 between Ramasamy Son of Karuppaiah Udaiyar and Karuppaian S/o.Pachamuthu Udaiyar.

2.Sale agreement dated 07.7.1990 between Selvaraj Son Rathina Udaiyar and Ramasamy Son of Karuppaiah Udaiyar.

3.Sale deed dated 28.11.20008 in favour of Selvaraj S/o.Rathina Udaiyar executed by District Munsif Court, Thanjavur on behalf of Punniyamoorthy S/o.Ramasamy Udaiyar.

4.Judgment and Decree in O.S.No.18/2011 on the file of Principal Subordinate Court, Thanjavur dated 08.4.2014 and mark as evidence and render justice.

PRAYER IN AS No.1024 of 1994:

To prefer the memorandum of First Appeal to this Hon'ble Court against the judgment and decretal order 12.04.1993 and made in O.S.No.140 of 1991 on the file of the Court of the Subordinate Judge of Thanjavur.

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.S.SRIMATHY, Advocate for the petitioner and of Mr.V.MEENAKSHISUNDRAM, Advocate for Mr.G.GOMATHI SANKAR, Advocate for R1 to R3, the court made the following order:-

This petition has been filed to receive the additional documents and mark as evidence.

2. The learned counsel appearing for both sides submitted that these documents are filed only subsequent to the suit and only to show the possession.

3. Admittedly, the 12th respondent is said to have purchased the property. The co-sharers have not disputed the documents, such as patta, adangal receipts etc., Further, these documents are not relevant to decide the rights of the parties and further no ground made by the learned counsel for the petitioner to receive these documents as additional documents, as per Order 41 Rule 27 CPC. Hence, this Court is not inclined to allow this petition.

4. Accordingly, this petition is dismissed.

sd/-

17/02/2020

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



TO

THE SUBORDINATE JUDGE,
THANJAVUR.

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MS/PN/SAR-4/03.03.2020/3P.2C

ORDER

IN

CMP (MD) No.1768 of 2020

IN

AS No.1024 of 1994

Date :17/02/2020