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*C.M.P.No.16631 of 2022
in S.A.No.1176 of 2011*

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KRISHNAN RAMASAMY, J.,

This petition has been filed by the petitioner/appellant seeking permission of this Court to mark the sale deeds dated 01.12.1997 in Doc.No.3333 of 1997 and 22.04.1998 in Doc.No.1336 of 1998, both registered on the file of the Registrar Office, Erode, as additional evidence in the above Second Appeal.

2.Learned counsel appearing for the petitioner/appellant would submit that there is no dispute with regard to the purchase of the properties. The suit was filed by the 1st respondent / son against his father and the preliminary decree was passed as such the plaintiff's father sold the properties to the petitioner and the purchaser is entitled for the share in the suit property. However, since the petitioner/purchaser had not filed the said sale deeds, the Courts below denied his entitlement. Therefore, the petitioner filed the present petition to mark the said sale deeds.



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3.Learned counsel appearing for the respondents admitted the availability of sale deeds and he has not raised any objection for allowing the present petition.

4.Considering the submission made by the learned counsel appearing for either parties and in view of the fact that the Courts below passed the decree against the petitioner/appellant for not filing the said sale deeds to prove his contention, this Court feels that this petition needs to be allowed for fair adjudication. Since the respondents has not raised any objection, and he admitted the availability of the sale deeds, there is no need for marking the said sale deeds through the parties.

5.Accordingly, this petition is allowed and the sale deed dated 01.12.1997 in Doc.No.3333 of 1997 is marked as Ex.A1 and sale deed 22.04.1998 in Doc.No.1336 of 1998 is marked as Ex.A2.

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