



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twelfth day of January Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.P.No.21951 of 2017

IN S.A.No.189 of 2012

A.SAMIVEL, [PETITIONER]
S/O.GURUSAMY,
109, ANDIPALAYAM,
TIRUCHENGODE TALUK,
NAMAKKAL DISTRICT.

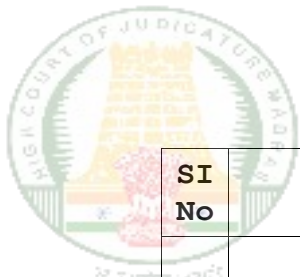
Vs

A.ADINARAYANAN, [RESPONDENT]
S/O.ARUMUGAM,
KASIPALAYAM VILLAGE,
TIRUCHENGODE TALUK,
NAMAKKAL DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner/respondent to produce the following documents as additional evidence in the above S.A. No. 189 of 2012 (IN C.M.P.No.21951/2017)

PARTICULARS OF DOCUMENTS

SI No	Date	Particulars	Nature
1	04/04/2007	Sale deed executed by the respondent in the name of S.Sivalingam and another	Certified copy
2	02/01/2009	Sale deed executed by the respondent in favour of S.Sivalngam and another	Certified copy
3	04/07/2013	Gift deed executed by the S.Sivalingam and another in favour of Sri Muniappan and Sri Mariamman Temples.	Original
4	20/09/2016	Gift deed executed by Sri Muniappan and Sri Mariamman Temples by its Trust in favour of Sri Muniappa Swamy Temple	Original



SI No	Date	Particulars	Nature
5	04/12/2017	Encumbrance certificate for the period from 01.01.1999 to 03.12.2017	Original

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioner and of MR.V.SEKAR, Advocate for the Respondent, the court made the following order:-

Heard Mr.V.Sekar, learned counsel for the Appellant in the Second Appeal.

2.This Civil Miscellaneous Petition is filed by the Respondent in Second Appeal (Plaintiff in the Suit). Two documents now sought to be marked are executed by the Respondent herein viz., certified copy of sale deed dated 04.04.2007 and certified copy of sale deed dated 02.01.2009. Other two documents are gift deeds executed by the authorities of the temple and yet another document is an encumbrance certificate for the period from 01.01.1999 to 03.12.2017.

3.Considering the submissions made by the learned counsel for the Respondent and being satisfied with the reasons stated in the affidavit filed in support of this petition, the C.M.P.No.21951 of 2017 is allowed, subject to proof and relevancy, these documents are ordered to be marked as Plaintiff's document viz., Exs.A.8, A.9, A.10, A.11 & A12. Registry is directed to mark the above documents.

4.It is brought to the notice of this Court that, this Court has *suo motu* appointed an Advocate Commissioner to inspect the suit property to note down the physical features and the Advocate Commissioner has already filed his report, Plan and FMB sketch. Both the parties have filed their objection to the Advocate Commissioner's report. Objections to the Advocate Commissioner's report are taken on record. Registry is directed to **(*)mark** the Advocate Commissioner's report as Ex.X.1, Plan as Ex.X.2 and FMB sketch as Ex.X3.

Post the Second Appeal for final disposal, during fourth week of February 2022.

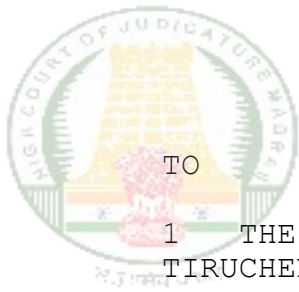
-sd/-

12/01/2022

/ TRUE COPY /

**[(*) CORRECTED ORDER TO BE SUBSTITUTED
FOR THE ORDER ALREADY DESPATCHED ON
01/02/2022 REGARDING IN THE ORDER PORTION]**

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE DISTRICT MUNSIF,
TIRUCHENGODE.

2 THE SUBORDINATE JUDGE,
TIRUCHENGODE.

COPY TO

1 THE SECTION OFFICER,
VR SECTION, HIGH COURT, MADRAS.

2 THE ASSISTANT REGISTRAR,
MAIN AE SECTION, HIGH COURT, MADRAS.

Order
in
C.M.P.No.21951 of 2017

IN S.A.No.189 of 2012

Date :12/01/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
TP(28/01/2022)
TP(08/02/2022)