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C.M.P.No.22133 of 2017

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in

C.M.A.No.3480 of 2017

P.B.BALAJI, J.

The appellant in the above C.M.A. has filed this C.M.P. seeking to receive the additional documents, i.e. House Tax Receipts dated 01.02.1992 and 22.09.1994 in the name of the petitioner/appellant and the Mortgage Deed dated 29.05.1984 executed by the petitioner/appellant and his wife Mrs.Rajammal, to establish that the petitioner/appellant was the owner of the subject property which got damaged in the accident.

2. The affidavit filed in support of this C.M.P. is perused and this Court finds that valid reasons have been given for filing these documents at the appellate stage. Moreover, this Court is dealing with a beneficial legislation and that strict rigors of Order 41 Rule 27 of CPC cannot be applied.

3. The learned counsel for the second respondent Insurance Company, Mrs.R.Sreevidhya also fairly submits that the additional documents may be considered.



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4. Considering the above, these documents are marked as Exs.P9, P10 & P11 as already Exs.P1 to P8 were marked before the Motor Accidents Claims Tribunal (Sub Court), Nagapattinam in M.C.O.P.No.129 of 2008. For a better understanding, the following Table is made:-

Sl. No.	Name of the Documents	Exs.
1	House Tax Receipt dated 01.02.1992	P9
2	House Tax Receipt dated 22.09.1994	P10
3	Mortgage Deed dated 29.05.1984	P11

5. Accordingly, this Civil Miscellaneous Petition is allowed.

10.04.2023
(1/2)

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