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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Monday, the Twenty Seventh day of November Two Thousand and Twenty three

PRESENT

THE HONOURABLE MR. JUSTICE G. CHANDRASEKHARAN

C.M.P.(MD) Nos.7181 of 2022 and 16137 of 2023
in
S.A.(MD) Nos.790 of 2021 and 789 of 2023

The Society of St. Francis Xavier,
A registered Society through the Procurator,
St. Xavier's College Complex,
Palayamkottai, Tirunelveli - 627 002.

Petitioner / Appellant
in both the petitions

Vs

R. Jeyakumar

Respondent/ Respondent
in C.M.P.(MD) No.7181 of 2022

V. Murugan

Respondent/ Respondent
in C.M.P.(MD) No.7181 of 2022

Prayer in C.M.P.(MD) Nos.7181 of 2022 and 16137 of 2023:-

These petitions are filed under Order 41 Rule 27 of C.P.C., to receive the documents produced along with the petition and marked as Exhibits in the pending Second Appeal.

Prayer S.A.(MD) Nos.790 of 2021 and 789 of 2023:-

These Second Appeals are filed under Section 100 of C.P.C., against the judgment and decree dated 23.09.2019 made in A.S. No.25 & 19 of 2018 on the file of the learned Principal Subordinate Judge, Tirunelveli reversing the judgment and decree dated 01.11.2017 passed in O.S. No.215 & 207 of 2014 on the file of the II Additional District Munsif, Tirunelveli.



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ORDER:- These Petitions are coming on for orders on this day and upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr. B. Gurusankar, Advocate for Mr. T. Selvan, Advocate for Appellant and Mr. P. Santhosh Kumar, Advocate for the Respondent; this Court made the following order:-

These petitions are filed for receiving additional documents produced along with these petitions and for marking as exhibits in the pending second appeals.

2. It is the submission of the learned counsel for the petitioners that there are 10 suits filed by the petitioner Society against the tenants for evicting the tenants. All the suits have been decreed. In the appeal filed against the judgments and decrees, eight appeals had been dismissed, but two appeals were allowed on the ground that the byelaws of the society was not marked in the two suits. Against the said judgments in A.S.Nos.19 of 2018 and 25 of 2018, the second appeals in S.A(MD) Nos.789 and 790 of 2021 are filed. He would further submit that the defendants have filed second appeals in S.A(MD)Nos.56 to 60, 73 and 74 of 2020. After contest, those second appeals have been dismissed on 20.02.2020. In the said circumstances, he seeks permission of this Court to receive the byelaws of the society and the



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documents.

judgment of this Court in S.A(MD)Nos.56 to 60, 73 and 74 of 2020 as additional

3. The learned counsel for the respondents has no serious objection for receiving the documents as additional evidence.

4. Considering the submissions of the learned counsel appearing for the parties and having satisfied with reasons stated in the affidavit filed in support of these petitions, these petitions are allowed and the documents are received as additional evidence and marked as Ex.A3 and Ex.A4 in the second appeals.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/04/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

To

1. The Principal Subordinate Judge, Tirunelveli.
2. The II Additional District Munsif, Tirunelveli.



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The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED 27.11.2023
C.M.P.(MD) Nos.7181 of 2022
and 16137 of 2023

in

S.A.(MD) Nos.790 of 2021 and 789 of 2023

Giving direction and etc.
as stated within.

KB(03.04.2024) 4P 5C