



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

Thursday, the Fifteenth day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.6603 of 2023
in
AS.No.703 of 1992

1 S. RAJENDRAN, ... 1st PETITIONER/2nd RESPONDENT
2 INDHIRA,
3 R. SHIVAKUMAR,
4 R. SUBHA,
5 R. AGALYA,
6 R. KUMARAN, ... PETITIONERS 2 TO 6/RESPONDENTS 37 TO 41

Vs

1 1. C.V. AHAMED KUTTY (DIED) ,
2. C.V. ALAVI KUTTY,,
THROUGH POWER AGENT
JAMAL MOHIDEEN PAPPA ... 2nd RESPONDENT/2nd APPELLANT
3 KUNJU KOYAMBU (DIED) ... 3rd PETITIONER
4 FATHIMA KUTTY,
5 ABDUL KHADER,
6 FAIZEL,
7 ABIDA,
8 SHAHARABANU ... RESPONDENTS 4 TO 8/APPELLANTS 4 TO 8
9 IYYATHUMMA (DIED) ... 9TH PETITIONER
10 AYISHA BEEVI,
11 FATHIMA,



12 SAINABA,

13 MUHAMMED ASHRAF,

14 MUHAMMED BAHEER, ... RESPONDENTS 10 TO 14/APPELLANTS 10 TO 14

15 S.RAMALINGAM (DIED) ... 1ST RESPONDENT

16 SENGAMALA SERVAI (DIED) ... 3rd RESPONDENT

17 RENGASAMY SERVAI (DIED) ... 4th RESPONDENT

18 SATHIAMURTHY (DIED) ... 5th RESPONDENT

19 GOVINDAMMAL (DIED) ... 6th RESPONDENT

20 PERUMALSAMY NAIDU,

21 CHINNATHAMBI,

22 KOTTAISAMY NAIDU,

23 LAKSHMI,

24 KALIAPERUMAL,

25 SOUNDARAJAN,

26 ARUMUGAM, ... RESPONDENTS 20 TO 26/RESPONDENTS 7 TO 13

27 SELVI. PUSHPAM (DIED) ... 14th RESPONDENT

28 MARIAMMAL,

29 NAGARATHINAM, ... RESPONDENTS 28 TO 29/RESPONDENTS 15 TO 16

30 TAMILARASI (DIED) ... 17th RESPONDENT

31 MAHALINGAM (DIED) ... 18th RESPONDENT

32 MAHADEVAN (DIED) ... 19th RESPONDENT

33 GANESAN,

34 GOWRI,

35 MANIKANDAN,

36 GEETHA, ... RESPONDENTS 33 TO 36/RESPONDENTS 20 TO 23

<https://www.mhco.ja.gov.in/jdis>
37 MANOHARAN (DIED) ... 24TH RESPONDENT



38 THILAGAVATHI,

39 VALARMATHI,

... RESPONDENTS 38 & 39/RESPONDENTS 25 & 26

40 AYYAPPAN (DIED)

... 27TH RESPONDENT

41 REVATHI,

42 KALAISELVI,

43 NANTHAKUMAR,

44 LALITHA,

45 ASHWANTH, S/o.Late.Mahadevan

46 ASHWANTH, S/o.Late.Mahadevan

47 KALARANI,

48 SAKTHI PRAKASH,

49 NITHISH KUMAR, ... RESPONDENTS 41 TO 49/RESPONDENTS 28 TO 36

50 AGILANDAM,

51 JEYA,

52 RAJAM, .

53 SUSILA, ... RESPONDENTS 50 TO 53/RESPONDENTS 42 TO 45

54 RAJESWARI (DIED) ... 54TH RESPONDENT/46TH RESPONDENT

55 NAVANEETHAM,

56 MEENAKSHI, ... RESPONDENTS 55 & 56/RESPONDENTS 47 & 48

57 PATTAMMAL (DIED) ... 57TH RESPONDENT/49TH RESPONDENT

58 PREMA,

59 SAMPASIVAM, ... RESPONDENTS 58 & 59/RESPONDENTS 50 & 51

60 AMBIKAPATHI (DIED) ... 60TH RESPONDENT/52ND RESPONDENT

61 KARUPPAIAH,

62 MUTHUKUMAR,

<https://www.mhc.tn.gov.in/judis> 63 KARTHIKEYAN,

... RESPONDENTS 61 TO 63/RESPONDENTS 53 TO 55



64 INDIRA GANDHI,

65 MUTHULAKSHMI,

66 MUTHUKUMAR,

... RESPONDENTS 64 TO 66/RESPONDENTS 56 TO 58

67 NAGALAKSHMI,

68 KALPANA,

69 INDHUMATHI,

70 ALAGARESAN,

... RESPONDENTS 67 TO 70/RESPONDENTS 59 TO 62

71 SHANMUGAPRIYA,

72 RAKSHANA,

73 NETHRA,

... RESPONDENTS 71 TO 73/RESPONDENTS 63 TO 65

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to receive the additional documents mentioned in the accompanying petition as additional evidence in the above A.S. No. 703 of 1992.

i. Certified copy of communication by Special Tahsildar to District Adhi Dravidar Welfare Officer, Thanjavur dated 13.12.1995

ii. Certified copy of proceedings of Special Tahsildar for the Welfare of Adhi Dravidar Welfare Department Thanjavur, dated 18.03.1996

iii. Certified copy deposition of Power Agent Jamal Mohideen Papa

iv. Certified copy Deposition of Power Agent Jamal Mohideen Papa

v. Certified copy of Document obtained Under RTI Act from Special Tahsildar Highway Department Thanjavur Dated 19.04.2021

Prayer in AS. 703/ 1992 :

Pleased to set aside the judgment and decree of the Subordinate Court, Tanjore in O.S.No.26 of 1984 dated 07.10.1991 in so far as it relates to the appellants and suit items 19 to 22 and dismiss the suit and allow the appeal with cost throughout.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.KRISHNAVENI, Senior Counsel for M/S.P.THIRIYAGARAJAN, for the petitioner, the Court made the following order:-



This application has been filed to receive the documents viz.,
(i) Certified copy of communication by the Special Tahsildar to District Adhi Dravidar Welfare Officer, Thanjavur, dated 13.12.1995,
(ii) Certified copy of proceedings of Special Tahsildar for the Welfare of Adhi Dravidar Welfare Department, Thanjavur, dated 18.03.1996, (iii) Certified copy of deposition of Power Agent Jamal Mohideen Papa, (iv), Certified copy of deposition of Power Agent Jamal Mohideen Papa and (v) Certified copy of document obtained under RTI Act from Special Tahsildar Highway Department, Thanjavur dated 19.04.2021, as additional evidence in the appeal.

2. Though the counter has been filed by the respondents objecting the documents on the ground of delay, it is relevant to note that the respondents being the appellants also filed an application in C.M.P.(MD).No.11056 of 2002 to receive the proceedings and it has not been disputed by the respondents. Since both sides files applications to receive the additional evidence ie., the proceedings of the Government authorities, both sides are fairly submitted that no oral evidence is required. Accordingly, the application filed for receiving additional documents is allowed in part. The document Nos.1, 2 and 5 in C.M.P.(MD).No.6603 of 2023 alone are received as additional evidence. Accordingly, the documents received are marked as Exs.A34, A35 and A36, on the side of the plaintiffs.

sd/-

15/06/2023

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/06/2023

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

akv
TO
THE SUBORDINATE JUDGE,
THANJAVUR.

Copy to:

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.6603 of 2023
in
AS.No.703 of 1992
Date :15/06/2023