



C.M.P.No.4166 of 2024

in

S.A.No.63 of 2021

P.T.ASHA. J.

Heard Ms.D.Sathya, learned counsel for the petitioner/appellant and Mr.B.Gopala Krishnan, learned counsel for respondents 1 to 4.

2. This petition is filed seeking to permit the petitioner/appellant to raise the following additional grounds of appeal in the Second appeal.

(a) The lower appellate Court ought to have taken up I.A.No.22 of 2016, I.A.No.28 of 2016 and I.A.No.45 of 2017 along with the main appeal and therefore, the procedure adopted by not taking up I.A.No.22 of 2016, I.A.No.28 of 2016 and I.A.No.45 of 2017 along with the main appeal suffers from material irregularities.

(b) The finding of the lower appellate Court that the appellant herein did not produce any evidence in proof of this counter claim is self-contradictory, in view of the applications having already been taken on file in I.A.No.22 of 2016, I.A.No.28 of 2016 and I.A.No.45 of 2017 with sufficient documentary proof in support of such counter claim.



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P.T.ASHA. J,

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3. Considering the submissions made on either side and being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered as prayed for.

26.02.2024

srn

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