



C.M.P.Nos.12100 & 12102 of 2024

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C.M.P.Nos.12100 & 12102 of 2024 in S.A.No.1210 of 2013

SATHI KUMAR SUKUMARA KURUP, J.

Appellant in the Second Appeal in S.A.No.1210 of 2013 has filed the Civil Miscellaneous Petition in C.M.P.No.12100 of 2024 seeking to amend the Complaint in O.S.No.308 of 2006, on the file of the District Munsif, Thiruvallur, subject matter of S.A.No.1210 of 2013. It is the contention of the learned Counsel for the petitioner that after the appeal was disposed of, the Respondents in the Second Appeal in S.A.No.1210 of 2013 had registered the document styled as settlement deed thereby granting transferring the property in the name of their son and daughter. Based on the registration of the decree, the respondents had executed the settlement deed. Therefore, it is the further submission that the complaint had to be amended for completed adjudication as the respondent had created the document based on the judgment and decree for permanent injunction.



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2. The appellant in Second Appeal in S.A.No.1210 of 2013 has filed the Civil Miscellaneous Petition in C.M.P.No.12102 of 2024 seeking to receive additional documents as additional evidence in S.A.No.1210 of 2013. Those documents created by the Respondents, subsequent to the grant of decree in favour of the Respondents. The respondents had filed their counter and disputing the contention of the Appellant in his petitions in C.M.P.No.12100 of 2024 and 12102 of 2024.

2.1. It is the contention of the learned Counsel appearing for the respondents that the Appellant in the Second Appeal has filed these miscellaneous petitions only to delay the disposal of the second appeal. Therefore, these Civil Miscellaneous Petitions are not maintainable and liable to be dismissed.

3. Considering the points raised by the learned Counsel appearing for the petitioner it is found reasonable that after grant of decree of permanent injunction, the respondents having registered the decree based on that, executed a settlement deed in favour of their son and daughter thereby



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denying the title of the Appellant in the Second Appeal. It has to be considered during the course of hearing of the Second Appeal.

4. Being satisfied with the reasons stated in the affidavit filed in support of the petitions, these miscellaneous petitions are allowed.

23.07.2024

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