



SA(MD) No.294 of 2013

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

Tuesday, the Twenty Second day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Ms.Justice P.T.ASHA

CMP(MD) Nos.13691 and 14773 of 2024
in
SA(MD) No.294 of 2013

CMP(MD) No.13691 of 2024:

1 P.PERUMAL (DIED)

2 P.PAPPATHI ALIAS PERUMALAKKAL

3 P.CHINNAPERUMAL

4 P.SEENIAMMAL

5 P.RENGAMMAL

6 P.VADIVEL

7 M.SARITHA

8 MAHESH BHARATHI

9 SHANMUGAPRIYA

... Petitioners / Appellants

Vs

1 PALANICHAMY

2 P.JAYARAMAN

3 A.KAVITHA

4 A.VANITHA

5 A.PUNIHA

... Respondents / Respondents

Civil Miscellaneous 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 Documentary evidence as detailed below in the present



SA(MD) No.294 of 2013

Second Appeal in SA(MD). No.294 of 2013 on the file of this Honourable Court filed against the Judgment and Decree dated 02.11.2012, passed in AS No.5 of 2011 on the file of the Fast Court cum Additional District and Sessions Judge, Dindigul in reversing the Judgment and Decree dated 24.08.2010 passed in OS No.108 of 2007 on the file of the Learned Sub Court, Palani.

ADDITIONAL DOCUMENT

Sl.No.	Date	Particulars	Nature
1	20.09.2024	Certified copy of extract of settlement ledger issued by the Head Quarters Tahsildar, Oddanchathiram	Certified Copy

CMP(MD) No.14773 of 2024:

1 PALANICHAMY
2 P.JAYARAMAN
3 A.KAVITHA
4 A.VANITHA
5 A.PUNIHA

... Petitioners / Respondents

Vs

1 P.PERUMAL (DIED)

2 P.PAPPATHI ALIAS PERUMALAKKAL
3 P.CHINNAPERUMAL
4 P.SEENIAMMAL
5 P.RENGAMMAL
6 P.VADIVEL
7 M.SARITHA
8 MAHESH BHARATHI
9 SHANMUGAPRIYA

... Respondents / Appellants

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to



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Receive the document filed along with this petition as additional documents on the side of the Petitioner/Respondent in this Second Appeal.

LIST OF DOCUMENTS

Sl.No.	Date	Description of Documents	Page
1	07.07.2011	Sale deed executed by Appellants 1, 5, 6, 2, 7 and Kavitha (D/o.2 nd Appellant) in favour of P.Murugesan , S/o.Perumal.	
2	06.12.2012	Release deed executed by 3 rd Appellant and P.Vennila (D/o.3 rd Appellant) in favour of P.Murugesan, S/o.Perumal.	
3	05.08.2021	Sale deed executed by Appellants 7, 8, 9 and 4 in favour of Respondents 1 and 2.	

Prayer in SA(MD) No.294 of 2013:

To set aside the decree and judgment dated 02.11.2012 passed in AS No.5 of 2011 by the Fast Track Court cum Additional District Sessions Judge, Dindigul reversing the decree and the judgment dated 24.08.2010 passed in O.S.No.108 of 2007 on the file of the Sub Court, Palani by allowing this second appeal.

ORDER : These civil miscellaneous petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.BALASUNDARAM, Senior Counsel for M/S.R.THANGAPANDIAN, Advocate for the petitioners in CMP(MD) No.13691 of 2024 and Respondents in CMP(MD) No.14773 of 2024 and of Mr.H.LAKSHMI SHANKAR, Advocate on behalf of the Respondents in CMP (MD) No.13691 of 2024 and petitioners in CMP(MD) No.14773 of 2024, the Court made the following order:-

These applications have been filed by the respective parties for receiving additional documents.

2. Either parties have no objection to the same being ordered and accordingly,

these applications are allowed and the documents are received subject to proof and



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relevance. In order to test the proof and relevance of the documents, the matter is remitted back to the Subordinate Court, Palani, for taking evidence with reference to the additional documents, which have been filed by both parties relating to the defendants' claim that the suit is bad for partial partition.

3. The learned Judge shall issue notice to the parties as well as the counsel appearing before this Court intimating the date on which the matter would be taken up for trial for marking these documents. The second appeal shall be kept pending. The learned Judge shall take the evidence and forward the documents marked as well as the oral evidence adduced to this Court. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

4. Registry is directed to forward the documents now received to the trial Court along with the original suit records forthwith.

sd/-
22/10/2024

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/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM



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To **மேலும் உரிமை**

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1.The Additional District Sessions Judge,
Fast Track Court, Dindigul.

2.The Subordinate Judge,
Palani.

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-12906[I] dated 22/10/2024)

ORDER
IN
CMP(MD) Nos.13691 and 14773 of 2024
in
SA(MD) No.294 of 2013
Date :22/10/2024

ED/ JGB /SAR- (04/11/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023