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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 7686 of 2025

IN

SA NO. 246 OF 2024

Philomena Sajana
No.64, St. Marys Church Colony, St.
Marys Road, Abiramapuram,
Chennai-600018.

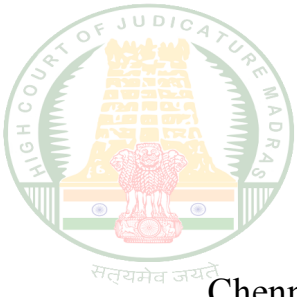
Appellant(s)

Vs

1. Archbishop Of Madras -
Mylapore
Rep. by his duly appointed power
Agent Rev.Fr.S. Ignatius Thomas,
Archbishops House,
NO.41, Santhome High Road,
Chennai-600 004.

2. Archdiocese of Madras –
Mylapore Society
Represented by its Chairman
rep by his duly appointed Power
Agent
Rev.Fr.S. Ignatius Thomas,
Archbishops House,
NO.41, Santhome High Road,

Respondent(s)



Chennai-600 004.

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For Appellant(s): Joseph Thatheus Jerome

For Respondent(s): Ms.C.Auxilia

ORDER

The petitioner has filed this petition to clarify the direction issued by this Court in its two separate orders dated 17.12.2024.

2. The learned counsel for the petitioner/appellant submitted that the additional documents which listed out page 57 as list of documents 1 to 26 he wants to produce his evidence on his side. He pointed out that documents 1 to 6 are the xerox copy and original copy are with in the hands of the plaintiff and some of the other documents 25, 26 are the xerox copy and original with the revenue authorities to that effect. He wants to some direction to receive those documents in the manner known to law before the trial Court.



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3. Admittedly, he filed the applications before the trial Court to re-open, re-call and also to subpoena issue to produce the original those documents, those applications were returned by the trial Court stating that those applications as such is not maintainable at this stage.

4. However, as to execute the order passed by this Court, now the petitioner filed this petition for needs some clarification in respect of earlier order passed by this Court with regard marking those documents through relevant witness.

5. Heard both sides. The petitioner is entitled to file a proper application before the trial Court to get a original documents in the manner known to law by giving notice to the respondent's counsel and also entitled to mark the original documents before the trial Court, if parties are not inclined to produce the original, trial Court is empowered to pass order to that effect in accordance with law.



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6. The learned counsel for the respondent pointed out that the information received in respect of documents by Joseph Xavier Roy who is not party in the proceedings hence she has raised objection to examine him.

7. But the learned counsel for the petitioner replied that the petitioner inclined to examine the above person through court summons. But another informant Mr.Clamant Selvaraj, now died.

8. Registry is directed to send the documents before the trial Court in respect of documents filed along with CMP.Nos.18319, 8027, 20313, 22405 of 2024 in S.A.No.246 of 2024, CMP.No.8534 of 2024 in S.A.No.247 of 2024, CMP.No.7818 of 2024 in S.A.No.249 of 2024, CMP.No.8614 of 2024 in CMP.No.6731 of 2024 in S.A.No.250 of 2024 and CMP.No.7746 of 2024 in CMP.No.12820 of 2024 in S.A.No.251 of 2024, within two weeks. Further, the trial Court is directed to proceed with the trial in the manner known to law.



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9. Accordingly, this petition is clarified.

27.03.2025

msrm

To

1. The VII Additional City Civil Court, Chennai.
2. The XV Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI,J.

msrm

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in S.A.No.246 of 2024

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