



S.A.No.1335 of 2008 and
M.P.No.1 of 2008

SATHI KUMAR SUKUMARA KURUP, J.

When the case came up for hearing on 24.04.2025, there was no representation for the Appellant. Therefore, the case was posted under the caption 'for dismissal' on 25.04.2025.

2. Today, 25.04.2025, the learned Counsel for the Appellant present in Court and offered his apologies for his yesterday absence.

3. The learned Counsel for the Appellant invited the attention of this Court to the Substantial Questions of law raised in this Second Appeal in support of his contention. He invited the attention of this Court to the typed set of papers filed by him wherein he had relied upon the document No.1063/1932 which was a sale deed in the name of Paavadai Pillai, paternal grand father of the Plaintiff.

4. It is the contention of the learned Counsel for the Appellant that the Koor chit relied by Defendant-1 is created document by Defendant-2 in his favour which does not reflect the measurements as stated in the document 1063/1932 in the name of Paavadai Pillai. Therefore, he had raised the Substantial Question of law relating to the reliance placed by the Appellate Court Judge on Koor chit. Whereas, the trial Judge rejected the Koor chit.



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Therefore, Substantial Question of law revolves around the Koor chit. Even though, there are reported decisions in support of his contention that Koor chit is an admissible document, in this particular case, the Koor chit cannot be relied.

5. The learned Counsel for the Appellant also invited the attention of this Court to the discussion of evidence by the trial Judge as well as the Appellate Court Judge. Therefore, he seeks time to advance arguments regarding the Substantial Question of law raised in this Court.

6. Learned Counsel for the Respondent present in Court. He would submit that only yesterday he received the copies of the typed set of papers. He seeks time to argue the case in detail. Therefore, at the request of the learned Counsel for the Respondent,

7. Registry is directed to remove the caption 'for dismissal' and post this case after Summer Vacation 2025.

25.04.2025

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