



S.A.No.460 of 2023
and C.M.P.No.21170 of 2023

RMT.TEEKA RAMAN, J.

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The learned counsel for the appellants is present before this Court today. He submitted that his application in I.A.No.5 of 2022 filed under Order 41 Rule 27 C.P.C. to receive additional documents has been rejected without taking into consideration the fact that almost all the documents, which are now sought to be received as additional documents at the appellate stage, are judicial decrees and judgments passed in earlier occasions. He also stated that there was a delay in bringing the legal heirs on record and such delay could not be put against the appellants. He further submitted that the old survey number and new survey number have not been considered, thereby, Order 7 Rule 3 C.P.C was not properly appreciated by the lower Appellate Court in arriving at a conclusion that the schedule of property is not identifiable and he further stated that the settlement deed dated 17.03.1944 is the oldest document and hence, the appellants are entitled for legal presumption under Section 90 of the Indian Evidence Act, 1872.

There is no representation on behalf of the respondents. For further hearing and for respondents' side reply, post the matter on 18.04.2024.

05.04.2024

nsd

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