

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025

(arising out of SLP (C) No.6183 of 2023)

G.D. SIVAKUMAR

APPELLANT(S)

VERSUS

C. SARAVANAN

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order of the High Court of Judicature at Madras dated 09.03.2023, whereby the Civil Revision Petition No.4238 of 2022 of the respondent under Article 227 of the Constitution of India and connected Civil Miscellaneous Petition No.22208 of 2022, filed against the order of the First Appellate Court refusing admission of additional evidence on record, has been allowed and the court below has been directed to accept the additional evidence on record.

3. The short submission of the learned counsel for the appellant is that regarding acceptance of additional evidence by the Appellate Court, the law is settled, which is, that unless any one or more of the conditions for its acceptance as specified in various clauses of Rule 27 of Order XLI of the Code of Civil Procedure, 1908 (for short, "the C.P.C.") is fulfilled, additional evidence cannot be

accepted. It is submitted that the First Appellate Court rejected the prayer for adducing additional evidence as in its opinion none of the conditions in which additional evidence could be accepted was fulfilled. However, the High Court set aside the said order without recording a finding whether any of the conditions for accepting additional evidence was fulfilled.

4. Per contra, learned counsel for the respondent submits that although the High Court may not have returned a specific finding regarding the existence of any of the specified conditions for accepting the additional evidence, but such conditions do exist. Therefore, it is prayed by him that the matter may be remitted back to the High Court for a fresh consideration.

5. On perusal of the impugned order, we find force in the submissions of the learned counsel for the appellant. The High Court, while directing the admission of additional evidence, failed to record a finding regarding existence of any of the conditions specified in Order XLI Rule 27 of the C.P.C. for admission of additional evidence.

6. In such circumstances, the appeal is allowed. The impugned order of the High Court dated 09.03.2023 is set aside. Civil Revision Petition No.4238 of 2022 and the connected Civil Miscellaneous Petition No.22208 of 2022 are restored to their original number. The High Court shall decide the same afresh in accordance with law.

7. Needless to observe that we have not expressed any opinion as to whether the additional evidence sought to be adduced by the respondent should be accepted or rejected as per the provisions of Order XLI Rule 27 of the C.P.C. This aspect shall be considered by

the High Court and fresh orders be passed in accordance with law.

8. Pending application(s), if any, shall stand disposed of.

.....J.
(MANOJ MISRA)

.....J.
(K.V. VISWANATHAN)

NEW DELHI;
19th March, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).6183/2023

[Arising out of impugned final judgment and order dated 09-03-2023 in CRP No. 4238/2022 passed by the High Court of Judicature at Madras]

G.D. SIVAKUMAR

PETITIONER(S)

VERSUS

C. SARAVANAN

RESPONDENT(S)

IA No. 63511/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 19-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Vikas Singh Jangra, AOR

For Respondent(s) : Mr. Nikhil Swami, AOR

Upon hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order, which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(D. NAVEEN)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)