

Listed on 18.2.2015
Court No.
Item No.

SECTION XII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 4021 OF 2007, 738 OF 2008 AND 4590 OF 2007

WITH

INTERLOCUTORY APPLICATION NO. 3

(Application for impleadment in C.A. No. 738 of 2008)

AND

INTERLOCUTORY APPLICATION NO. 4

(Application for stay in C.A. No. 738 of 2008)

Ambikapati Ammal etc.

...Appellants

Versus

Sri Kandaswamy Koil etc.

...Respondents

OFFICE REPORT

The matters above mentioned were mentioned before the Hon'ble Court on 12th February, 2015 when the Hon'ble Court was pleased to pass the following Order:

"Delay condoned in filing application for substitution of legal heirs of deceased appellant No.1 Kamala Ammal in Civil Appeal No.738 of 2008 and abatement is set aside.

Application for substitution of legal heirs of deceased appellant No.1 Kamala Ammal in Civil Appeal No.738 of 2008 is allowed subject to all just exceptions.

Office to take necessary action for amending the cause title.

The claim of the plaintiff to title in the suit property was, inter alia, based on Patta No.1. The learned trial Court as well as the First Appellate Court took the view that as the said Patta has not been exhibited, the plaintiff had failed to prove his title. In the course of arguments, it transpires that the Settlement Register marked as Exhibit A-21 was introduced by the plaintiff. According to Shri K. Ramamoorthy, learned Senior Counsel appearing for the respondent plaintiff, the said Register would go to show that Patta No. 1 in respect of the suit property was, in fact, granted to the plaintiff. If the document at Exhibit A-21 establishes the said fact, in that event, the onus of proof may shift to the defendant appellants and in that context the view taken by the High Court in Second Appeal that the defendants had failed to prove that the land was covered by the Abolition Act of 1948 would be relevant. It is, therefore, felt necessary to look

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into the contents of Exhibit A-21. The said Exhibit is not available as the Original Record, though called for, appears to have been sent back to the Registry of the Madras High Court. In the above situation, we permit the respondent plaintiff to place before us Exhibit A-21 on the next date so as to enable us to proceed further in the matter.

List the matters on 18th February, 2015."

It is submitted that Mr. A.T.M. Sampath, Counsel for the sole respondent has on 16th February, 2015 filed a true copy of the Ex. A-21 - Thiruporur village Resettlement Register in all the matters above-mentioned.

CIVIL APEAL NO. 738 OF 2008

It is submitted that in view of the order quoted above, cause title has been amended and the same has been included in the Civil Appeal paper books.

Service of notice of lodgment of petition of appeal is complete in all the matters.

It is further submitted that counsel for both the parties have filed statement of case in C.A. No. 738 of 2008 and copies of the same are included in the Judges paper books.

The matters along with applications above mentioned are listed before the Hon'ble Court with this office report.

Dated this, the 17th day of February, 2015

ASSISTANT REGISTRAR

Copy to : M/s. Mahalaxmi Balaji & Co., Advocate.

Mr. P.V. Yogeswaran, Advocate.

Mr. A.T.M. Sampath, Advocate.

M/s. Keswani & Co., Advocate

Mr. Rajesh Kumar, Advocate

Mr. S. Gowthman, Advocate

ASSISTANT REGISTRAR

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