

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 9093-9094 of 2017
(@ Special Leave to Appeal (C) No(s). 14193-14194/2016)

THULASIRENGAN & ORS.

Appellant(s)

VERSUS

R ARJUNAN & ORS. ETC.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties and have gone through the record with their assistance.

We find that the First Appellate Court i.e. Principal Subordinate Judge, Tiruchirapalli allowed the applications under Order 41 Rule 27 read with Section 151 of the CPC and took certain additional documents on record on 05.09.2014. On that very date itself, two appeals filed by the parties before us were allowed.

The decision of the First Appellate Court was upheld by the High Court. The submission made by learned counsel for the appellants is that no opportunity was granted to the appellants to rebut those documents nor were the additional documents proved in accordance with law. We find this submission to be substantial and are of the opinion that under these circumstances the proceedings before the First Appellate Court deserve to be set aside.

Consequently the order passed by the High Court which is based on the decision rendered by the First Appellate Court would also deserve to be set aside.

That being the position, we formally set aside the judgment

and order passed by the First Appellate Court as well as by the High Court and remand the matter to the First Appellate Court for reconsideration on merits.

Taking into consideration the applications filed under Order 41 Rule 27 read with Section 151 of the CPC, we give an opportunity to the appellants to oppose the application if so advised.

In case the applications filed by the respondents are allowed, an opportunity may be given to the appellants to lead evidence and rebut it.

The civil appeals are allowed. No order as to costs.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
JULY 14, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
14193-14194/2016

(Arising out of impugned final judgment and order dated 09-02-2016
in SA No. 946/2014 and SA No. 947/2014 passed by the High Court Of
Madras At Madurai)

THULASIRENGAN & ORS.

Petitioner(s)

VERSUS

R ARJUNAN & ORS. Etc.

Respondent(s)

Date : 14-07-2017 These petitions were called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. G. Sivabalamurugan, AOR
Mr. D. Mohan, Adv.

For Respondent(s) Mr. Senthil Jagadeesan, AOR
Ms. Shruti Iyer, Adv.

Mr. Karunakar Mahalik, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The civil appeals are allowed in terms of the signed order.

(MEENAKSHI KOHLI)
COURT MASTER

(SHARDA KAPOOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file]