

(1967) 02 KL CK 0018

High Court Of Kerala

Case No: C.M.P. No. 7736 of 1962 in S.A. No. 1086 of 1962

Lakshmikutty Amma and Others

APPELLANT

Vs

Cheriyan and Others

RESPONDENT

Date of Decision: Feb. 27, 1967

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 41 Rule 27(1)

Citation: (1967) KLJ 676

Hon'ble Judges: M.S. Menon, C.J; S. Velu Pillai, J

Bench: Division Bench

Advocate: V. Rama Shenoi and R. Raya Shenoi, for the Appellant; T.M. Cheriyan for Respondent No. 1 and P.K. Kesavan Nair, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. Counsel for the respondents opposed the admission of the documents relying on A.I. R. 1965 S.C. 1008. In that case the Supreme Court construed clause (b) of order 41 Rule 27 (1) of the C.P. C. as it is in force in Bombay which corresponds to clause (c) of order 41 rule 27(1) of the C.P. C. as it is in force in-Kerala. But the documents filed before us are sought to be admitted under clause (b) of the latter which is much wider and which confers a larger discretion on the court, in the admission of additional evidence in appeal. Having perused the affidavit in support of the application to admit these documents, we are satisfied, that tinder clause (b) as aforesaid, the application has to be allowed. The decision of the Supreme Court relied on has no application. Accordingly we allow the application and admit the fresh documents. The affidavit, the petition and the order now produced as fresh documents will be marked as Exs. E, F & G. respectively. This application is ordered as above.