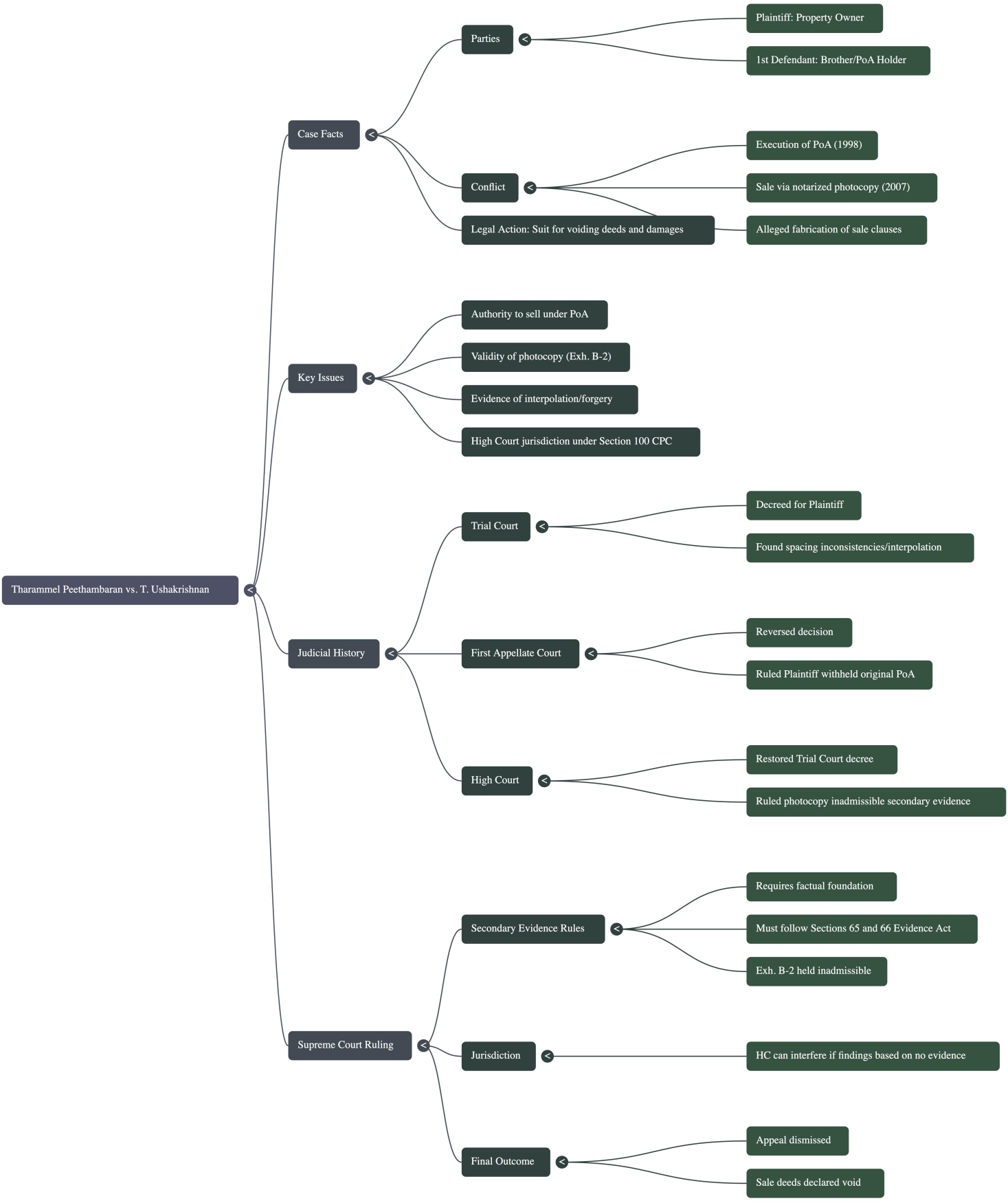
Tharammel Peethambaran vs. T. Ushakrishnan
Case Facts
Parties
Plaintiff: Property Owner
1st Defendant: Brother/PoA Holder
Conflict
Execution of PoA (1998)
Sale via notarized photocopy (2007)
Legal Action: Suit for voiding deeds and damages
Alleged fabrication of sale clauses
Key Issues
Authority to sell under PoA
Validity of photocopy (Exh. B-2)
Evidence of interpolation/forgery
High Court jurisdiction under Section 100 CPC
Judicial History
Trial Court
Decreed for Plaintiff
Found spacing inconsistencies/interpolation
First Appellate Court
Reversed decision
Ruled Plaintiff withheld original PoA
High Court
Restored Trial Court decree
Ruled photocopy inadmissible secondary evidence
Supreme Court Ruling
Secondary Evidence Rules
Requires factual foundation
Must follow Sections 65 and 66 Evidence Act
Exh. B-2 held inadmissible
Jurisdiction
HC can interfere if findings based on no evidence
Final Outcome
Appeal dismissed
Sale deeds declared void