



WEB COPY

A No. 2968 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 2968 of 2026

in

TOS NO. 67 OF 2024

1. S.Soundari Suryamurthy
D/o. S.Suryamurthy
No.36, First Floor,
Justice Surya Residence, Surya Avenue,
Puthur Aruna Nagar,
Puthurr Trichy – 17.
2. Neela Suryamurthy
W/o. Ian, No.36, First Floor,
Justice Surya Residence, Surya Avenue,
Puthur Aruna Nagar, Puthur,
Trichy -17.

..Applicant(s)

Vs

Dr.S.M.Kalamani
W/o. S.Ravindra Suryamurthy,
Flat G3, First Floor, Visranti Daffodil,
Flat, 42 Surya Avenue, Aruna Nagar,
Trichirapalli – 620 017.
(Amended as per order dated 05.11.2025 in
A.No.5364 of 2025 in TOS.No.67 of 2024 and
time extended by order dated 17.11.2025 in
TOS.No.67/2024)

..Respondent(s)

Prayer: Application filed under Order XIV, Rule 8 of the O.S.Rules r/w. Order VII, Rule 14(3) & Section 151 of the Code of Civil Procedure,1908, to receive and allow the additional documents listed in the schedule to be brought on record in the present T.O.S.No.67 of 2024 filed by the Applicants/Plaintiffs.



WEB COPY

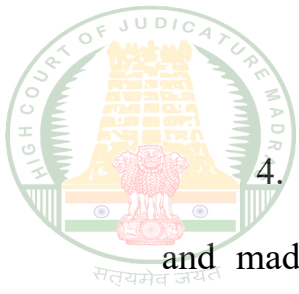
For Applicant(s): Mr.N.Manish Vaid for Mr.Rahul Balaji
For Respondent(s): Mr.N.Ponraj

Order

This application has been filed by the plaintiffs seeking leave to receive two additional documents, namely, a Will dated 10.11.2003 and an extract from the Hindu Marriage Register. Both documents are described in the Judges' Summons as photocopies. The affidavit, however, states that the originals are in the custody of the plaintiffs.

2. When the application was heard on 22.07.2026, learned counsel for the applicants submitted that the original of the Will dated 10.11.2003 was available, whereas only a photocopy of the Will dated 22.11.2019, which is the subject matter of the suit, was available. The proceedings before the learned Additional Master also show that an objection had already been raised to marking the photocopy of the Will dated 22.11.2019.

3. This Court observed that a mere photocopy cannot be marked unless the requirements for admission of secondary evidence are first established. The present application does not contain the necessary foundation for receiving the photocopy of the Will dated 22.11.2019. Further, that Will is not one of the documents included in the schedule to this application.



4. Learned counsel then sought permission to withdraw the application and made an endorsement to that effect. The application was accordingly dictated as dismissed as withdrawn. Before the order was signed, learned Senior Counsel appearing for the applicants mentioned the matter, and it was therefore listed under the caption “Being Mentioned”.

5. On reconsideration, there is no reason to depart from the order dictated on 22.07.2026. The application, as framed, seeks reception of photocopies, though the applicants claim to possess the originals of the scheduled documents. It also cannot be used to obtain permission to mark the photocopy of the Will dated 22.11.2019.

6. In view of the endorsement made by learned counsel for the applicants, this application is dismissed as withdrawn. This order will not preclude the applicants from taking out an appropriate application for reception of any original document not produced along with the plaint. Any request to adduce secondary evidence shall be considered independently upon the applicants establishing the conditions prescribed by law. No costs.

24-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE J.

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**A No. 2968 of 2026
AND
TOS NO. 67 OF 2024**

24-07-2026