

A.No.3338 of 2016
in C.S. No.416 of 2004

PUSHPA SATHYANARAYANA, J.

This application is filed by the applicants/plaintiffs to receive the documents 1 to 4 as set out in affidavit as additional documents.

2.Heard the learned counsel for the applicants/plaintiffs as well as the learned counsel for respondents 1 and 2.

3.Considering the submission made by the learned counsel appearing for the applicants/plaintiffs and also going through the averments made in the affidavit, I am inclined to allow the application. However, the documents sought to be marked as additional evidence can be marked subject to proof, relevancy and admissibility at the time of evidence. This Court may follow the procedures as per the decision of the Honourable Supreme Court reported in **2001-3-SCC-1 (Bipin Shantilall Panchal Vs. State of Gujarat and another)** while dealing with the question of admissibility of documents during the course of trial at the stage of taking evidence when any objection is raised.

PUSHPA SATHYANARAYANA, J.

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4. Therefore, the applicants/plaintiffs are permitted to receive the documents, subject to proof and relevancy of those documents. It is open to the parties to raise their objections with regard to the admissibility and relevancy of those documents at the time of recording the evidence before the learned Additional Master-IV and the learned Additional Master-IV shall record such objections leaving it to the Court to decide about the admissibility and relevancy of those documents at the time of arguments.

5. With the above observations, this application is allowed. The Registry is directed to list the matter on 16.09.2016 before the learned Additional Master-IV for recording further evidence. The learned counsel for the applicants/plaintiffs shall produce the original document before the learned Additional Master-IV at the time of recording evidence. It is also directed that both the parties shall co-operate with the learned Additional Master-IV in recording the evidence.

19.08.2016

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