

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **15.11.2016**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

Application No.3422 of 2016
in
C.S.No.313 of 2013

V.Balasundaram

.. Applicant

vs

1. M.Hemalatha
2. A.L.Mathialagan

.. Respondents

Prayer: Application filed under Order XIV Rule 8 of O.S.Rules r/w Order VII Rule 14(3) of the Code of Civil Procedure to grant leave to the applicant/plaintiff to produce the additional documents, as mentioned in the schedule appended to the Judges' Summons.

For Applicant : Mr.K.Sukumaran

For Respondents: Mr.V.M.Venkataramana

ORDER

This application has been filed by the applicant/plaintiff to receive the listed documents as set out in the Judges Summons filed along with this application in the above suit.

2. Heard the learned counsel for the applicant as well as the learned counsel for the respondents.

3. Considering the submissions made on either side and also going through the averments made in the affidavit, I am inclined to allow the application but, however, the documents sought to be marked as additional evidence can be marked subject to proof, relevancy and admissibility at the time of evidence. The trial Court is directed to follow the procedure as per the decision of the Hon'ble Supreme Court reported in **2001-3-SCC-1 (Bipin Shantilal 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.

4. Therefore, the applicant/plaintiff is permitted to file 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-III, who 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 observation, this application is allowed.

6. The Registry is directed to list the matter before the learned Additional Master-III for recording further evidence. The learned counsel for the applicant/plaintiff shall produce the original document before the learned Additional Master-III, at the time of recording evidence. It is also directed that both the parties shall co-operate with the learned Additional Master-III in recording the evidence.

15.11.2016

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PUSHPA SATHYANARAYANA,J.,

vj2

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