

A.No.4072 of 2016
in
C.S.No.542 of 2006

PUSHPA SATHYANARAYANA.J

This application is filed by the applicant/1st defendant to permit her to receive the documents as stated in the Judge's summons and mark the same as evidence on the side of the applicant / 1st defendant in the above said suit.

2. Heard the learned counsel for the applicant/1st defendant as well as the learned counsel for the respondents.

3. There are ten documents sought to be marked by the applicant, for which, excepting document Nos.2 and 8, the learned counsel for respondents/plaintiffs has got no objection for marking the documents as evidence subject to proof, relevancy and admissibility at the time of evidence. So far as document Nos. 2 and 8 are concerned, the objection of the learned counsel for the plaintiffs is that the original documents have to be marked and that certified copy of the same cannot be marked. The said objection may be raised

before the learned Master at the time of recording 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.

4. Therefore, the applicant/1st defendant 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-II and the learned Master 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, the application is allowed. The Registry is directed to list the matter before the learned Additional Master-II for recording further evidence. The learned counsel for the

applicant/1st defendant shall produce the original document before the learned Additional Master at the time of recording evidence. It is also directed that both the parties shall co-operate with the learned Additional Master-II in recording the evidence.

01.09.2016

(1/2)

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