

A.No.4502 of 2016
in T.O.S.No.9 of 2005

PUSHPA SATHYANARAYANA.J

This application is filed by the applicant/plaintiff to receive additional documents in the above Testamentary Original Suit.

2. Heard the learned counsel for the applicant/plaintiff and learned counsel for the respondent.

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. 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/plaintiff is permitted to file the documents, subject to proof and relevancy of those documents. It is open to the parties to raise his objections with regard to the

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admissibility and relevancy of those documents at the time of recording the evidence before the learned Additional Master-I 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-I for recording further evidence. The learned counsel for the applicant/plaintiff 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-I in recording the evidence.

04.10.2016

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