

APPLICATION NO.4551 OF 2016
IN C.S.NO.698 OF 2009

PUSHPA SATHYANARAYANA, J.

This application is filed by the applicant/5th defendant to receive the documents listed in the schedule to Judges Summons in evidence on behalf of the applicant / 5th defendant.

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

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 Honourable Supreme Court in ***BIPIN SHANTILALL PANCHAL VS. STATE OF GUJARAT AND ANOTHER [2001 (3) SCC 1]*** while dealing with the question of admissible of documents during the course of trial at the stage of taking evidence when any objection is raised.

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4. Therefore, the applicant/5th 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 on **19.09.2016**. The learned counsel for the applicant/5th defendant shall produce the original document before the learned Additional Master-II 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.

09.09.2016

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