

Application Nos.4922, 4923 and 4140 of 2016

IN T.O.S.No.24 of 2015

PUSHPA SATHYANARAYANA, J

Heard the learned counsel for the applicant / plaintiff and learned counsel for the defendant.

2. T.O.S has been filed for issuance of letters of Administration. After D.W.1 was cross examined, plaintiff-P.W.1 has come with these applications to reopen, recall P.W.1 and permit him to file the document, which is Nikah Marriage Certificate No.50 of 1989 dated 14.08.2016.

3. Considering the submissions made on either side and also going through the averments made in the affidavit, I am inclined to allow these applications but however the document 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 document 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 applicant/plaintiff is permitted to file the document, subject to proof and relevancy of the document. It is open to the parties to raise their objections with regard to the admissibility and relevancy of the document at the time of recording the evidence before the learned Additional Master-III and the learned Master shall record such objections leaving it to the Court to decide about the admissibility and relevancy of the document at the time of arguments.

5. With the above observations, the applications are allowed. 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 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.

17.10.2016

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