

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 11TH DAY OF JULY 2019

THE HON'BLE MS. JUSTICE PUSHPA SATHYANARAYANAN

A.NO.1815 OF 2019

IN

C.S.No.104 of 2000

1.Vijaay K.Sheth,
98/1, Mahlingapuram Main Road,
Nungambakkam,
Chennai 600 034

2.Manish K.Sheth,
98/1, Mahlingapuram Main Road,
Nungambakkam,
Chennai 600 034

3.Manoj K.Sheth,
98/1, Mahlingapuram Main Road,
Nungambakkam,
Chennai 600 034

..Plaintiffs

-vs-

1.Bipin K.Sheth,

2.Premkumaar K.Sheth,

3.Mukesh K.Sheth,

4.Rajendra K.Sheth,

6.Mrs.Urmilla K.Sheth,
1 to 6 residing at 16
1st Main Road Gandhi Nagar,
Adayar, Chennai 600 020

7.C.J.Sheth Construction Company

8.Sugesan Finance and Investments

9.Keci Seth Sons

10.SRC Tools (P) Ltd.,

7 to 11 located at
No.7, 2nd Canal Cross Road,
Gandhi Nagar, Adyar,
Chennai 600 020

12.Priti B.Seth,

13.Bharati P.Sheth,

14.Sheela M.Seth,

15.Kokila R.Seth,

16.Poonam J.Seth

12 to 16 are residing at
New No.33, Old No.16
1st Main Road Gandhi Nagar,
Adayar, Chennai 600 20

17.Nandini V.Seth,
residing at No.1A,
Srianjani Apartments,
No.12, Subbaraya Avenue,
Abhiramapuram, Chennai 600 018

18.Yaamini K.Seth
residing at No.29
Suraksha Enclave,
DP Road, Anand, Pune

19.Hema M.Seth
residing at No.1C-KG Spring Manor
23, 1st Main Road, Shastri Nagar
Adyar, Chennai 600 20

..Defendants 7 to 19

****Defendants 7 to 19 impleaded
as per order of this Honble Court
dated 16.09.2010 made in
A.No.2447/2009**

A.NO.1815 OF 2019:

Rajendra K.Sheth,
No.7C, 2nd Canal Cross Road
GandhiNagar, Adayar,
Chennai 600 020

...Applicant/4th Defendant

-vs-

1.Vijaay K.Sheth,
No.15, ARK Colony,
Eldams Road, Alwarpet,
Chennai 600 018

...1st Plaintiff

2.Manish K.Sheth,
No.29, Suraksha Enclave,
DP Road, Anand,
Pune

..2nd Plaintiff

3.Manoj K.Sheth
Flat No.1-C, KG Spring Manor,
No.23, 1st Main Road,
Sastrinagar Adyar,

..3rd Plaintiff

4.Bipin K.Sheth,
16, 1st Main Road,
Gandhi Nagar, Adayar,
Chennai 600 020

...1st Defendant

5.Premkumaar K.Sheth,
No.7C, 2nd Canal Cross Road,
Gandhinagar, Adayar,
Chennai 600 020

...2nd Defendant

6.Mukesh K.Sheth,
No.7C, 2nd Canal Cross Road,
Gandhinagar, Adayar,
Chennai 600 020

...3rd Defendant

7.Jesmin K.Sheth,
No.7C, 2nd Canal Cross Road,
GandhiNagar, Adayar,
Chennai 600 020

...5th Defendant

8.Mrs.Urmilla K.Sheth(Deceased)
16, 1st Main Road,
Gandhinagar, Adayar,
Chennai 600 020

..6th Defendant

9.C.J.Sheth Construction Company

10.Sugesan Finance and Investments

11.Keci Seth Sons

12.Sugesan Mines & Minerals Pvt.Ltd,

13.SRC Tools (P) Ltd.,
Respondents 9 to 13 at
No.7C, 2nd Canal Cross Road,
Gandhi Nagar, Adayar,
Chennai 600 020

14.Priti B.Seth,

15.Bharati P.Sheth,

16.Sheela M.Seth,

17.Kokila R.Seth,

18.Poonam J.Seth
No.7C, 2nd Canal Cross Road,
Gandhi Nagar, Adayar,
Chennai 600 020

19.Nandini V.Seth,
No.15,ARK Colon,
Eldams Road, Alwarpet,
Chennai 600 018

20.Yaamini K.Seth
residing at No.29
Suraksha Enclave,
DP Road, Anand, Pune

21.Hema M.Seth
residing at No.1C-KG Spring Manor
23, 1st Main Road, Shastri Nagar
Adayar, Chennai 600 20

...Respondents/Defendants 1 to 19
(Defendants 7 to 19 Impleaded as per
order of this Honble Court dated 16.09.2010
in A.No.2447/2009)

Application praying that this Honble Court be pleased
to pass an order permitting the defendants 2 to 5, 7 to 11

No.1 to 11 through DW2.

This Application coming on this day before this Court for hearing the court made the following order:

This application is filed by the applicant/fourth defendant to permit the defendants 2 to 5, 7 to 11 and 13 to 16 to receive the additional documents in Sl.No.1 to 11 through D.W.2.

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

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/fourth 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-IV 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-IV on 30.07.2019 for recording further evidence. The learned counsel for the applicant/fourth defendant shall produce the original document before the learned Additional Master-IV at the time of recording evidence. It is also directed that both the parties shall co-operate with the learned Additional Master-IV in recording the evidence.

Sd/.P.S.N.J

11.07.2019

//Certified to be a true copy//

Dated this the day of 2019.

R.s/16.07.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.