

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 12TH DAY OF MARCH 2019

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

A. Nos.6055 to 6057 of 2018

IN

C.S.NO.300 OF 2009

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1. Adil Azeez

Flat No.1/37, Beril Street,
Langford Town, Bangalore-25.

2. Azeem Azeez

Flat No.1/37, Beril Street,
Langford Town, Bangalore-25.

3. Misbah Azeez,

A1-84, Anna Nagar
Chennai 600 040.

4. Imtiaz H.A.Sattar,

P.O.No.29 Ad Dulayl
QIZ No.13136, A1 Zarqa, Jordan
Represented by POA Mr.Abdul Azeez
A1-84, Anna Nagar,
Chennai 600 040.

..Plaintiffs

-Versus-

1 Mrs.Ruksana Razzack

No.976, Poonamalee High Road,
Chennai - 600 084.

2. Ameerunnissa Begum Sahiba Endowment

Represented by its president
No.76, Barathisalai,
Triplicane, Chennai 600 005.

3. Saleem Mohamed

1-21, 1st Main Road,
Flat No.5, Anna Nagar East,
Chennai 102.

..Defendants

A. No.6055 to 6057/2018:-

1 Mrs.Ruksana Razzack

No.976, Poonamalee High Road,
Chennai - 600 084.

..Applicant/1st Defendant

..vs..

1. Adil Azeez
Flat No.1/37, Beril Street,
Langford Town, Bangalore-25.

2. Azeem Azeez
Flat No.1/37, Beril Street,
Langford Town, Bangalore-25.

3. Misbah Azeez,
A1-84, Anna Nagar
Chennai 600 040.

4. Imtiaz H.A.Sattar,
P.O.No.29 Ad Dulayl
QIZ No.13136, Al Zarqa, Jordan
Represented by POA Mr.Abdul Azeez
A1-84, Anna Nagar,
Chennai 600 040. ..Respondents/Plaintiffs-4

5. Ameerunnissa Begum Sahiba Endowment
Represented by its president
No.76, Barathisalai,
Triplicane, Chennai 600 005. ..5th Respondent/
2nd Defendant

6. Saleem Mohamed
1-21, 1st Main Road,
Flat No.5, Anna Nagar East,
Chennai 102. ..6th Respondent/
3rd Defendant

A. No.6055 of 2018:-

Application praying that this Hon'ble Court be pleased to grant leave to the Applicant/st Defendant to file the Schedule mentioned documents and consequently receive the same on record.

A. No.6056 of 2018:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to reopen the Evidence of DW1 closed on 06.07.2018.

A. No.6057 of 2018:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to recall DW1 to mark

the schedule mentioned documents before this Hon'ble Court.

These applications coming on this day before this court for hearing the court made the following order:

A.No.6055 of 2019 has been filed seeking an order to grant leave to the applicant / 1st defendant to file the schedule mentioned documents and consequently receive the same on record.

2. A.No.6056 of 2019 has been filed seeking an order to permit the applicant to reopen the evidence of D.W.1 closed on 06.07.2018.

3. A.No.6057 of 2019 has been filed seeking an order to permit the applicant to recall D.W.1 to mark the schedule mentioned documents before this Court.

4. Heard the learned counsel appearing for the applicant as well as the learned counsel appearing for the respondents.

5. The learned counsel appearing for the respondents has raised an objection that, the document sought to be marked by the applicant may not be relevant to the questions which have already been asked or going to be asked and therefore these documents could not be required to be filed and marked.

6. The said objection, in the opinion of this Court, is unsustainable, because whether the documents going to be marked by the applicant is a relevant document or not is to

be decided by the Court and once the document is marked, whether it will have a evidenciary value of not has to be decided and if the evidence is produced by the parties to the lis, the same cannot be thwarted, which is a basic principle and therefore, in that context, this Court is of the considered view that, these applications can be allowed.

Accordingly, these applications are allowed. Post the Civil Suit before the Additional Maser-I for continuation of evidence.

Sd/.R.S.K.J

12.03.2019

//Certified to be a true copy//

Dated this the day of 2019.

GJM/21/03/2019

COURT OFFICER(OS)

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