

A.No.4514 of 2019
in C.S.No.376 of 2012

PUSHPA SATHYANARAYANA.J

This application is filed by the applicant/third defendant seeking to grant leave to file the additional documents as stated in the judges summons.

2. Heard the learned counsel for the applicant/third defendant and learned counsel for the respondents/plaintiffs 1 and 2.

3. Considering the submissions made on either side and also going through the averments made in the affidavit, this Court is 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 Shantilal 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.

PUSHPA SATHYANARAYANAN.J,

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4. Therefore, the applicant/third 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-III 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-III on 15.07.2019 for recording further evidence. The learned counsel for the applicant/third defendant shall produce the original documents 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.

03.07.2019

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