

A. No.6120 of 2019 in
T.O.S.No.85 of 2013

K.KALYANASUNDARAM., J

This application has been filed seeking leave of the Court to file additional documents.

2. O.P.No.189 of 2012 was filed by the respondent herein for grant of Probate of the Will, dated 21.05.1999. On objection raised by the applicant, O.P. was converted as T.O.S.

3. It is the case of the applicant that the respondent coerced her mother to settle her property, but later the settlement deed dated 14.03.2014 was cancelled on 09.12.2014. Further, the respondent compelled his mother to sign a document along with his sister Abirami and by an arrangement, the applicant's mother Meenakshi eventually bequeathed her property to the children of the respondent and her sister Abirami and to prove the conduct of the respondent, she wanted to mark those documents.

4. A detailed counter affidavit has been filed by the respondent, denying the allegations made by the applicant herein. It is stated that after

the case was posted for arguments on 20.04.2016 and 06.12.2016 and 06.08.2019, 14.12.2019, this belated application has been filed to delay and drag on the proceedings and prolong the litigation.

5. Mr.Niranjan Rajagopalan, learned counsel for the applicant would submit that though the evidence in this case was over in the year 2015, in order to prove the attitude and conduct of the respondent, the documents are required to be produced as additional documents.

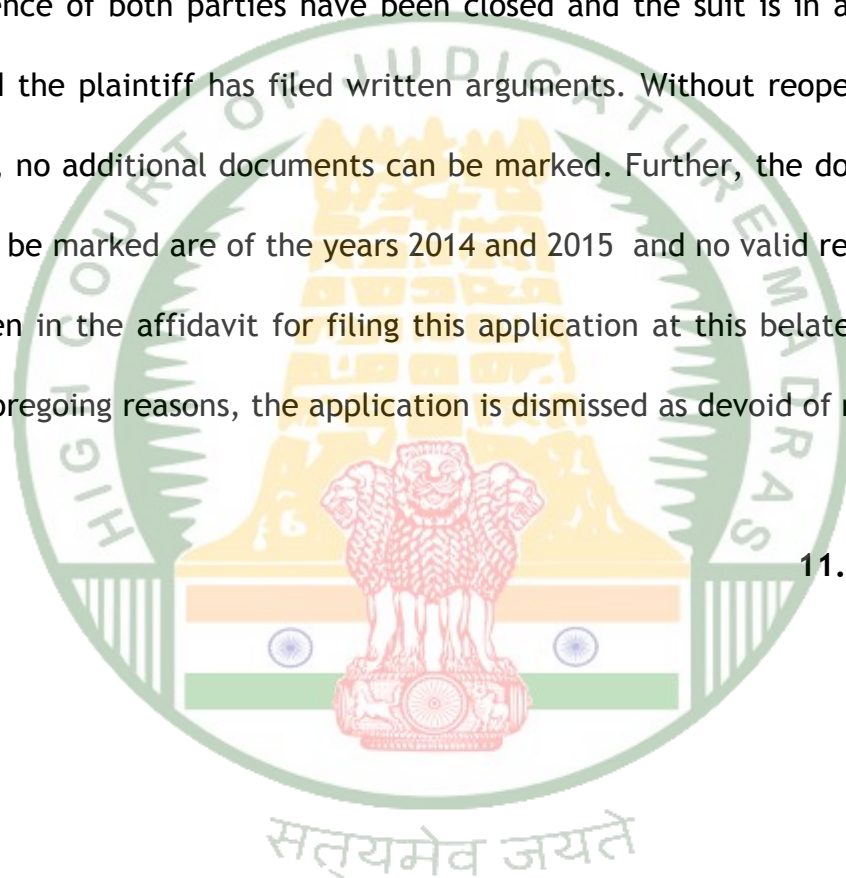
6. *Per contra* Mr.S.Krishnasamy, learned counsel for the respondent would argue that the documents sought to be marked as additional documents came into existence, even before commencement of the trial and the applicant had full knowledge of those documents and no reason has been given for non production of the documents during her evidence. It is further submitted that this application has been filed belatedly at the stage of the arguments. The applicant is not a party to the document and there is a legal bar in marking those documents through the applicant.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Application No.6121 of 2019 filed by the applicant to reopen the evidence of D.W.1 was dismissed as withdrawn on 24.10.2019. Indisputably, the evidence of both parties have been closed and the suit is in argument stage and the plaintiff has filed written arguments. Without reopening the evidence, no additional documents can be marked. Further, the documents sought to be marked are of the years 2014 and 2015 and no valid reason has been given in the affidavit for filing this application at this belated stage. For the foregoing reasons, the application is dismissed as devoid of merits.

11.11.2019

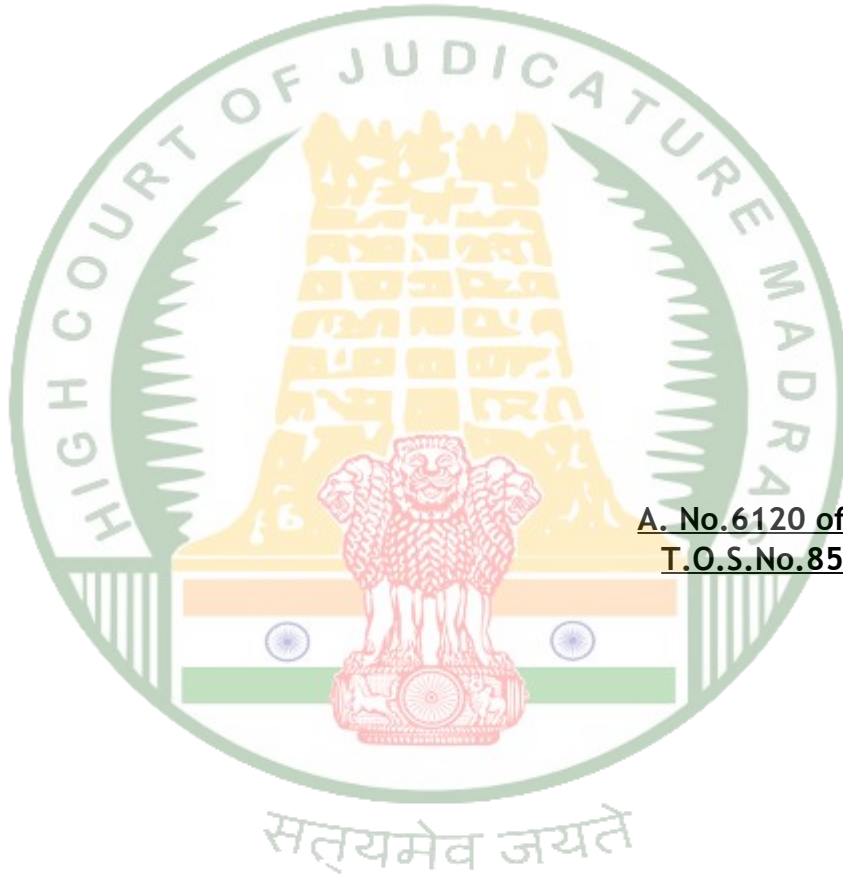
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