

A.No.9192 of 2019
in
C.S.No.140 of 2019
N.SATHISH KUMAR, J.

This application has been filed to receive the additional documents.

2. The learned counsel for the respondent has submitted that after filing of the proof affidavit, this application has been filed to introduce new facts and therefore, the documents cannot be marked at this stage.

3. In my view, mere marking will not amount to proof to prove is a distinct act. It has to be established by the party at the time of trial.

4. Considering the nature of averments in the affidavit and in order to give fair opportunity to the parties to adduce appropriate evidence, this application is allowed.

5. The documents may be received in evidence subject to admissibility and any objection raised by the other side, shall be noted by the Master and the same shall be dealt by this Court at the time of final disposal of the suit.

6. Post before the Additional Master III on 09.12.2019 and the chief and cross examination of the plaintiff side evidence shall be completed on or before 20.12.2019 and the defendants side evidence shall commence from 06.01.2020 and their evidence shall be completed on or before 17.01.2020 and post before this Court on 24.01.2020.