

A.Nos.699 to 701 of 2020 in C.S.No.584 of 2016

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SENTHILKUMAR RAMAMOORTHY, J.

These applications are filed to re-open the evidence of PW1, recall PW1 and permit the applicant to produce the documents set out in the schedule to the application in A.No.699 of 2020.

2. I heard the learned counsel for the applicants and the learned counsel for the second respondent.

3. The learned counsel for the applicants submitted that the Original Petition is filed for grant of a Succession Certificate. After filing the proof affidavit and marking documents through PW1, the first applicant's brother-in-law namely, M.Aruldas handed over some documents, which are relevant to the case. Therefore, these applications are taken out so as to re-open the evidence of PW1, recall PW1 and mark the said documents.

4. The learned counsel for the second respondent submitted that these documents may be marked subject to the objections with regard to the admissibility and relevancy.

SENTHILKUMAR RAMAMOORTHY, J

5. Upon considering the submissions of the learned counsel for the respective parties and on examining the affidavit in support of this application, I find that the applicants have made out a case to re-open the evidence of PW1, mark these documents subject to the objections raised by the learned counsel for the second respondent. Accordingly, these applications are allowed by issuing the following directions:

The applicants are permitted to re-open the evidence of PW1, recall PW1 and mark the documents set out in the schedule to the judge's summons in A.No.699 of 2020 subject to the objections with regard to the admissibility, relevancy and proof.

Post the matter before the learned Additional Master II on 24.02.2020 for recording additional evidence of PW1.

18.02.2020

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