

IN THE HIGH COURT OF JUDICATURE AT MADRAS

((ORDINARY ORIGINAL CIVIL JURISDICTION))

WEDNESDAY, THE 14TH DAY OF OCTOBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.Nos.2123 and 2124 of 2020
in
C.S.No.170 of 2019

G.Muniraj
S/o.C.K.Ganesan
No. D74, 18th 1st Cross Street,
Periyar Nagar, Chennai- 600 082

:Applicant/Plaintiff
in both applications

Vs.

1.Meganathan
Old No.1/9, New No.36/158,
Kodambakkam High Road (M.G.R.Salai)
Grama Street, Nungambakkam,
Chennai – 600 034

2.Lakshmi
W/o.Mohan
Old No.1/9, New No.36/158,
Kodambakkam High Road (M.G.R.Salai),
Grama Street,
Nungambakkam, Chennai- 600 034

:Respondents/Defendants
in both applications

A.No.2123 of 2020:

This applicaion praying that this Hon'ble court be pleased to

purpose of marking additional documents as Exhibits in his side.

A.No.2124 of 2020:

This applicaion praying that this Hon'ble court be pleased to permit the Applicant/Plaintiff to permit to marking of the Birth Certifiате issued by the Greater Chennai Municipal Corporation and the Certificate issued by the School Authorities and the extract of the first page of the SSLC Book of the Petitioner/Plaintiff.

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

These applications are filed (i) to permit the applicant/plaintiff to reopen his chief examination for the purpose of marking additional documents as exhibits in side in A.No.2123/2020 and (ii) to permit the applicant/plaintiff to permit to marking of the Birth Certificate issued by the Greater Chennai Municipal Corporation and the Certificate issued by the School Authorities and the extract of the first page of the SSLC Book of the petitioner/plaintiff.

2. It is the contention of the learned counsel for the applicant that these documents are very essential to prove the case.

3. The main objection of the learned counsel for the respondents is that the applicant is time and again introducing new documents and it is the third time that such a prayer is sought. Hence, it is his contention that if, the documents are pressed into service, it will fill up the lacunae in the applicant's case.

4. The suit itself is filed for recovery of possession and now the chief examination of P.W.1 appears to be is over. At this stage, these applications have been filed to reopen as well as to file three documents, this Court is of the view that mere filing of documents before the Court will not amount to proof of the contents of the documents and mere permission to file documents will not amount to proof. Admissibility, proof and reliability are three acts which are distinct. Therefore, mere filing of the documents cannot be construed as proof of documents. The learned counsel for the respondents is at liberty to cross examine the applicant in respect of those documents and he is also at liberty to make objection as to the admissibility of the documents and also on such objection raised, the learned Additional Master is required to record the objection and its validity can be decided at the time of disposal of the suit.

5. With the above observation, these applications are allowed.

6. Post this matter before the learned Additional Master on 02.11.2020.

Sd/.N.S.K.J.
14.10.2020

//Certified to be a true copy//

Dated this the th day of 2020.

SU/19.11.2020 COURT OFFICER(O.S.)

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

सत्यमेव जयते

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