

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 22ND DAY OF JANUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.8845 of 2019
in
T.O.S.No.43 of 2013

In the matter of the Indian
Succession Act XXXIX of 1925
and

In the matter of the Last
Will and Testament of
C.OBULESU-Deceased

P.SUREKHA
W/o.P.Ravindrakumar,
No.22/24
Thirumurthy Street, T.Nagar,
Chennai 600 017. ..Plaintiff

-vs-

P.SUCHITRA DEVI
W/O.RANGA RAO,
NO.16/2, VIVEKANANDA ROAD,
GUDUR, NELLORE DISTRICT,
ANDHRA PRADESH ..Defendant

A.NO.8845 OF 2019:

P.SUCHITRA DEVI
W/O.RANGA RAO,
NO.16/2, VIVEKANANDA ROAD,
GUDUR, NELLORE DISTRICT,
ANDHRA PRADESH ..Applicant/Defendant

-VS-

P.SUREKHA
W/o.P.Ravindrakumar,
No.22/24
Thirumurthy Street, T.Nagar,
Chennai 600 017. ..Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased

<https://hcservices.ecourts.gov.in/hcservices/>

to grant leave to file the documents filed by the

Applicant/Defendant in the above TOS.NO.43 of 2013.

This application coming on this day before this court for hearing the court made the following order:

This Application is filed to grant leave to file the documents in the schedule to the Judges' summons in TOS. No.43 of 2013.

2. I heard the learned counsel for the applicant and the learned counsel for the respondent/plaintiff.

3. The learned counsel for the applicant submitted that the documents listed in the schedule to the Judges' summons could not be traced and produced earlier. Whereas, the said documents are crucial to establish the case of the applicant/defendant. She further submitted that the first document is a letter head and the second document is a blank sheet with the signature of the testator and that therefore, it is relevant for the purpose of adjudicating the suit. The third document is a partition deed and the original thereof is in the custody of the plaintiff.

4. In response, the learned counsel for the respondent submitted that the letter head and the blank sheet with the signature of the testator cannot be marked as documents, especially in the absence of the author of the said documents. With regard to the partition deed, it is submitted that it is a photocopy and therefore, it should not be marked.

5. Upon considering the submissions of the respective counsel and on examining the affidavit in support of this application and the counter affidavit, I am of the view that the applicant should be permitted to file these documents subject to objections as to admissibility, proof and relevance. Accordingly, this application is allowed and the applicant is granted leave to file the documents set out in the schedule to the Judges' summons on the above terms.

Sd/..S.K.R.J.

22.01.2020

//Certified to be a true copy//

Dated this the day of 2020.

S.U./29.01.2020

COURT OFFICER

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

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