

A.No.2535 of 2021 in TOS.No.32 of 2015

R.SUBRAMANIAN, J.

The applicant seeks to produce the document which is said to be a Released Deed executed by the respondent in favour of her mother the testator. Mr.K.P.Gopalakrishnan, learned counsel appearing for the respondent would oppose the production of the document on the ground that it has nothing to do with the validity of the Will which is the only question to be decided in the Testamentary Original Suit. However, Mr.P.R.Murali, learned counsel appearing for the applicant would submit that both the documents are executed on the same day and therefore, the execution of the Release Deed dated 02.02.1987 by the respondent in favour of the testatrix may have a bearing.

2. Considering the above, this application is allowed, the document is permitted to be produced subject to proof and relevancy. The Registry is directed to list the suit, before the learned Additional Master No.I, for recording evidence.

30.07.2021

jv

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