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**A.No.266 of 2022**  
**in CS.No.474 of 2013**

**V. BHAVANI SUBBAROYAN, J.**

The Telegu document being D1 shall be translated and verified by the Interpreter of this Court.

2.Application No.266 of 2022 has been filed to permit the applicants/defendants to file the affidavit of documents as mentioned in the schedule hereunder.

3.This affidavit of documents 1 to 62 dated from 08.02.1971 to 22.12.2021.

4.The second applicant herein is the third defendant in the suit. The second applicant submits that the respondents/plaintiffs are none than his sisters who filed suit against his father and others for partition and separate possession of suit schedule properties and also for rendition of accounts with regard to income from the suit schedule properties.



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5.The second applicant further submits that they have confronted PW1 with those documents in the course of her cross examination but however she had not admitted the contents of those documents and expressed total ignorance of those documents and consequently they could not mark those documents in the cross examination.

6.It is stated by the second applicant that after filing of the written statement, his father passed away on 06.07.2018 and consequently the responsibility fell on his shoulders to prove and establish that the suit schedule properties are not available for partition and separate possession as claimed by their sisters.

7.It is further stated by the second applicant that since they were not in possession of the document dated 28.10.2013 business takeover agreement between Rama Gunasekaran and G.Narayan and K.V.Nagaprakash, they have issued a notice to produce the same.



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8. According to the second applicant, non-filing of these documents as set out in Judges summons along with the written statement is neither willful nor wanton but for the bonafide reasons stated above.

9. The third respondent herein is the third plaintiff in the above suit. The third respondent submits that the above suit started in July 2013 and the written statement was filed on 16.10.2014 and issues were framed and he has filed his proof affidavit on 12.10.2017 and he has also filed 27 documents along with his proof affidavit.

10. The third respondent further submits that his cross-examination started on 13.10.2017 till 23.11.2021 he was put into the witness box for 37 times only to harass him.

11. According to the third respondent, he never confronted with these documents in his cross-examination. But he was confronted with few documents for which he has given suitable answers. The defendant does not deserve any opportunity



as claimed by them and the delay is wilful and wanton. The document dated

28.10.2013 referred to as "Business Take Over Agreement" has nothing to do with the

suit claim and that is irrelevant document and not admissible in evidence.

12.Further, it was submitted that they have filed the documents after 8 long years and it is only to drag on the proceedings.

13.It is seen from the typed set of papers wherein the affidavit of documents and all these documents which would be necessary for deciding the suit for partition and these documents can be permitted to mark subject to proof and relevancy. As regards Telegu Document (D1) which is an original document shall be translated and verified by the Interpretor of this Court. As regards other contention raised that since they are family members it could be fair if one opportunity is given to the plaintiff as well as the defendant to rely on the documents or to object the same.

14.Heard learned counsel on either side.



15.Learned counsel for the respondents has no serious objection in allowing this application.

16.Having satisfied with the reasons stated in this affidavit filed in support of this application, this application is allowed.

17.Both the parties are at liberty to proceed further on basis of the documents and complete the proceedings before the learned Additional Master-I on 28.02.2022.

18.Registry is directed to list the matter before the learned Addtional Master-I for continuation of trial on 28.02.2022.

14.02.2022

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