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A.No.958 of 2022
in
O.P.No.660 of 2017

P.VELMURUGAN, J.

This application is filed by the applicants/petitioners seeking permission to receive the additional documents in O.P.No.660 of 2017.

2.The learned counsel for the applicants/petitioners submitted that when the matter is pending before the learned Master for recording evidence, the attesting witnesses to the Will and the 3rd respondent died on 24.07.2019, 04.03.2021 and 29.03.2019, respectively. The death certificates of the attestators to the Will and the 3rd respondent are vital documents to the above case. Though the applicants made an attempt to mark those documents before the learned Master, the respondents raised their objections and hence, they have filed the present application to receive the additional documents in O.P.No.660 of 2017.

3.Heard the learned counsel for the applicants and the learned counsel for the first respondent and also perused the materials available on record.



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4. On being satisfied with the averments made in the affidavit filed in support of the application and also considering the submissions made by the learned counsel on both sides that the original petition is pending for recording evidence, this Court is of the view that if the death certificates of the attestators of the Will and the 3rd respondent will be received as additional documents, no prejudice would be caused to the respondents. Hence, the applicants are permitted to produce the documents, however, subject to proof, relevancy and admissibility. Accordingly, this application is allowed.

5. Since the Original Petition is pending from the year 2017, the learned Master is directed to complete the recording evidence within a month.

6. List the matter on 19.04.2022.

14.03.2022

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