



A.No.3352 of 2022
in C.S.No.238 of 2021

C.V.KARTHIKEYAN, J.

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This application has been filed by the 1st, 2nd & 3rd defendants to file additional documents.

2. Documents included a Partition Deed, Mortgage Deed, Statement of Accounts issued by the Bank and also a self-serving Statement of Accounts and a Legal Notice.

3. A perusal of the records show that the copies were tried to be served on the learned counsel for the 1st respondent/plaintiff, but they had refused to receive and therefore, the papers were sent by post.

4. The 4th respondent/4th defendant had received the copies.

5. The third document mentioned namely the Statement of Accounts of the Bank cannot be taken on record unless it is accompanied by the Certificates under Section 65 (B) of the Indian Evidence Act, 1872.

6. I do not find from perusal of records, such certificate being enclosed. Therefore, the said document cannot be taken on record.

7. The Partition Deed can be termed as relevant only if it is between or among the parties to the suit. If it is among the strangers, then, on the issue of relevancy the same cannot be admitted.

C.V.KARTHIKEYAN, J.

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8. The same reasoning also applies to the Mortgage Deed.

9. Before the documents are actually been taken on record, during the course of evidence, these two facts will have to be verified namely, whether the parties to the Partition Deed and for the Mortgage Deed are parties to the suit herein or whether they are the third parties. The originals have to be produced, otherwise, both the documents for which Xerox copies alone which have been produced, can be refused to be admitted to evidence.

10. The copy of the Legal Notice may be taken on record subject to the Acknowledgement Card being produced.

11. The Statement of Accounts which is only self-serving in nature can be taken on record, if the pleadings to the same have been stated in the written statement.

12. With the above observation, leaving the matter to be decided at the time of recording of evidence, the application stands disposed of.

29.09.2022

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