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A.No.3852 of 2022

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in
C.S.No.510 of 2014

G. CHANDRASEKHARAN, J.

This application has been filed for receiving certified copies of the sale deed dated 07.02.1965 and gift deed dated 17.06.1966 on the side of the applicants /defendants as documentary evidence.

2. The learned counsel for the defendants submitted that one of the suit properties were sold by the plaintiffs and defendants under the sale deed dated 07.06.1965 and one of the suit properties was already gifted by its owner, the eldest brother of the plaintiff through gift deed dated 17.06.1966. These documents are necessary for prosecution of the case and it will have a bearing over the outcome of the suit. The learned counsel for the respondents objected this application on the ground that nothing is said about the document in the written statement and it cannot be received at this stage.

3. Considered the rival submissions. It is seen from the submission by the learned counsel for the applicants that the properties concerned in aforesaid sale deed dated 07.02.1965 and gift deed dated 17.06.1966 are shown as suit properties. They are no more available for partition for the



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reason that one the properties was already sold and other property was already gifted to third party.

4. This Court is of the considered view that these documents are to be necessarily received in evidence so that the final outcome will not go wrong. In view of the above, this application is allowed subject to admissibility, relevancy and proof of the documents to be produced.

5. The parties are directed to appear before the learned Master III on 07.11.2022.

27.10.2022

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