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A.No.4763 of 2022
and T.O.S.No.34 of 2015

G.CHANDRASEKHARAN, J.

A.No.4763 of 2022 is filed to receive the 05 additional documents in evidence of PW1 to set out in the schedule to the judges summons, in the present T.O.S.No.34 of 2015.

2.The learned counsel for the applicant submitted that he could get the first document only very recently, he is not aware of the execution of the second document at the time when it was executed. Item nos.3 to 5 come into existence after filing of the T.O.S. Therefore, there is a delay. These documents are necessary for proving the case of the applicant/plaintiff for granting the letters of administration in respect of the Will impugned.

3.The learned counsel for the respondent opposed this application on the ground that T.O.S was filed in the year 2015 and nearly after seven years this application is filed. He also stated that the existence of document no.2 was made known to the applicant/plaintiff even in the written statement, but still it is not filed in time.

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4.From the submissions made by the learned counsel appearing for the parties, it is found that examination of PW1 was not over. Considering the reasons stated by the learned counsel for the applicant, this Court is of the view that this application can be allowed for receiving the additional documents, which are necessary, according to the learned counsel for the applicant, in proving the applicant's case.

5.Accordingly, this application is allowed. Send this matter to the concerned learned Additional Master for continuation of recording evidence. Post the matter before the concerned learned Additional Master on 28.11.2022.

sli **14.11.2022**

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