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A.No.3961 of 2022 in T.O.S.No.10 of 2008

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G.CHANDRASEKHARAN, J.

This application is filed seeking permission to the applicant to file additional documents mentioned in the list of documents.

2.It is submitted by the learned counsel for the applicant that he has come on record very recently and found that these documents are very much necessary for supporting the case of the applicant. Therefore this application.

3.This application is opposed by the learned counsel for the respondents on the ground that most of the documents are either xerox copies or certified copies of the originals. It is not known from the newspaper cutting that which newspaper published this news. Therefore, this application has to be dismissed.



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4.In reply, the learned counsel for the applicant submitted that he is prepared to produce whatever the original documents available with him. Some of the documents are the documents of the respondents and he is in possession of only the copies of those documents.

5.So far as item no.6 is concerned, the learned counsel for the respondents submitted that item no.6 partition deed dated 15.01.1979 has no connection at all with the pending dispute between the parties. The learned counsel for the applicant also conceded that a wrong document is listed and he would produce the correct document at the time of marking the documents.

6.Considered the rival submissions.

7.This is a testamentary suit proceedings. The learned counsel for applicant submitted that these documents are absolutely necessary for proving the applicant's case. When it is submitted by the learned counsel for the applicant that he is prepared to produce the original documents in his



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custody and that some of the documents are the copies of the documents of the respondents, this Court finds no valid ground for rejecting the applicant's claim. Therefore, the documents can be received subject to admissibility, relevancy and proof. If any legal objections are made, that may be recorded by the concerned learned Additional Master.

8. Accordingly, this application is allowed. No costs. Post the matter on 04.11.2022 before the concerned learned Additional Master for continuation of recording of evidence.

sli

26.10.2022

Note:

Issue order copy on 26.10.2022



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