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A.No.4387 of 2022

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in
T.O.S.No.9 of 2020

G.CHANDRASEKHARAN,J.

Application No.4387 of 2022 is filed for seeking permission to produce documents shown in the schedule annexed to the Judges summons. The Learned Counsel for the Applicant submitted that these documents ought to have been filed at the time of filing Original Petition. Due to the Kumbabishegam conducted in the Vinayagar and Shiva Temple constructed by the Testator, he was fully engaged and thereafter, he fell sick and that contributed to the delay. These documents are necessary for proving the will. However, it is stated by the Learned Counsel for the Respondents that most of the documents are photographs of the documents and that cannot be marked.

2.Considered the rival submissions and perused the records.

3.It is seen from the list of documents and description that Item Nos.1 to 6 are the photographs of the documents. Photostat copies of documents cannot be permitted in evidence, unless the non-availability of original or certified copy is explained. Item Nos.1 to 3 are settlement deed and partition



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deed. Applicant can obtain registered copies of those documents and produce before the Court. Item Nos.4 to 6 are the plaint, affidavit and Petition in I.A.No.691 of 2018 and order passed there on. Applicant can apply certified copies for those documents and produce before the Court. Item Nos.7, 8 and 9 are the office copies of the lawyer's notice, reply notice and rejoinder notice. Office copies can be produced as evidence. Item No.10 is the Kumbabishegam invitation. Applicant submitted that he has original of this document. Therefore, this Application is allowed on the condition that Applicant produce the registered copies of the documents 1 to 3, certified copies of the documents 4 to 6 and they may be received subject to the admissibility and relevancy and proof.

4.Registry is directed to post the matter before the Additional Master IV after two weeks.

10.11.2022

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Dated:10.11.2022