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A.Nos.3947, 3949 and 3950 of 2022

A.Nos.3947, 3949 and 3950 of 2022
in T.O.S.No.28 of 2006
(Property law)
and C.S.No.1144 of 2009
(Suits)

G. CHANDRASEKHARAN, J.,

The application in A.No.3947 of 2022 has been filed to reopen the applicant/defendant side evidence. The application in A.No.3949 of 2022 has been filed to recall DW1 for the purpose of marking certified copy of the legal heir certificate dated 28.04.2003. The application in A.No.3950 of 2022 has been filed to send for records in Crl.O.P.No.10353 of 2010, on the file of this Court, which was disposed of on 15.06.2022.

2. The learned counsel for the applicant submitted that the documents filed in Crl.O.P.No.10353 of 2010 are necessary for the purpose of trial in T.O.S.No.28 of 2006 and for establishing the applicant's case as against the private complaint, which was lodged by the respondent under Section 200 of Cr.P.C against the applicant and his sister. The said complaint was taken on file as C.C.No.11958 of 2008 by the learned IX Metropolitan Magistrate, Saidapet. Against the same, the petition in Crl.O.P.No.10353 of



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2010 has been filed for quashing the C.C.No.11958 of 2008. The said quash petition was allowed by this Court. The complaint, petition and other documents filed in CrI.O.P.No.10353 of 2010 are required for the purpose of establishing the applicant's case.

3. The learned counsel for the applicant was not able to obtain the certified copy of the petition and other documents in CrI.O.P.No.10353 of 2010. Therefore, these applications have been filed.

4. The learned counsel for the respondent opposed all these applications on the ground that these applications are filed only for the purpose of prolonging the proceedings. Therefore, she seeks for dismissing of all these applications.

5. From the submissions made and from the perusal of records, it is seen that this T.O.S.No.28 of 2006 is pending for probating the Will of deceased P.Srinivasan. The application in A.No.3949 of 2022 has been filed for marking the certified copy of the legal heirs certificate dated 28.04.2003



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and the A.No.3950 of 2022 has been filed for calling of records in
Crl.O.P.No.10353 of 2010 for the purpose of inspection of this Court.

6. Considering the reasons stated in the affidavit filed in support of these applications and submission made by the learned counsel appearing on both sides, this Court finds that in the nature and circumstances of this case, the applicants should be permitted to mark the certified copy of the legal heir certificate dated 28.04.2003 and also for calling of the records in Crl.O.P.No.10353 of 2010 for the inspection of this Court.

7. Accordingly, these applications are allowed. There shall be no order as to costs. The Registry is directed to send the matter back to the learned Master concerned for continuation of recording evidence.

07.11.2022

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