



A.No.4483 of 2022

A.No.4483 of 2022
in T.O.S.No.31 of 2013
and C.S.No.551 of 2012

G. CHANDRASEKHARAN, J.

A.No.4483 of 2022 is filed for receiving i)certified copy of the sale deed dated 21.02.1964 in favour of the 1st respondent/defendant and ii)copy of the legal notice sent to the 1st respondent dated 22.09.1994.

2.The learned counsel for the applicant/plaintiff submitted that both the documents are necessary for proving the case of the applicant. He further submitted that during the course of cross-examination of the first respondent, denied the purchase of any property in her name by her mother. To disprove this contention, sale deed is to be produced.

3.In response, the learned counsel for the respondents objected this application on the ground that the main issue involved in the T.O.S. is, whether mother had executed the Will? The Will is a forged Will and therefore it is contested by the respondents. In the light of the issue involved, production of these documents are not necessary.

4.Considered the rival submissions and perused the records.



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5.As submitted by the learned counsel for the respondents that the main issue in testamentary suit is whether the Will was executed by testatrix. However, in the light of the submissions made by the learned counsel for the applicant that the first respondent had given false evidence with regard to the sale deed dated 21.02.1964, this Court is of the considered view that to test the veracity of the evidence of first respondent, the production of these documents is necessary. In this view of the matter, this application is allowed.

6.Send the matter back to the learned Additional Master No.II for recording further evidence on 02.11.2022. The learned Additional Master No.II is directed to complete the recording of evidence as expeditiously as possible and send the matter back to this Court.

18.10.2022

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