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A.No.5055 of 2022
in C.S.No.172 of 2010

S.SOUNTHAR, J.

The applicants herein filed a suit for declaration and injunction against the respondents. It is stated that the first to eleventh respondents were already set exparte and the twelveth and thirteenth respondents are contesting respondents.

2. The applicants herein filed this application seeking to receive the additional documents mentioned in the application. The trial in the suit had already commenced, P.W.1 was cross examined and the suit is posted for further evidence by the plaintiff.

3. The learned counsel for the applicants submitted that the documents now sought to be produced by the applicants are very much necessary to prove the case on merits.

4. The learned counsel appearing for the contesting respondents oppose



this application on the ground that P.W.1 was cross examined even in the year 2016, thereafter, at the request of the applicants, P.W.1 was recalled and cross examined in the year 2020. Now, the evidence of the suit is posted for examination of further witnesses by the applicants.

5. The learned counsel for the respondents further submitted that in the affidavit filed in support of this application for receiving documents, the applicants have not given any acceptable reason to allow this application and consequently, he sought for dismissal of the same.

6. The main dispute in the suit is regarding title to the suit property. Having regard to the fact that the suit is for declaration and consequential injunction, in order to give ample opportunity to the parties and also in the interest of justice, this Court is inclined to allow the application by permitting the plaintiff to produce documents mentioned in the application subject to admissibility, relevancy and proof.

7. The learned counsel for the applicants submit that the applicants are in



possession of original documents and the original documents would be produced at the time of marking of the documents. In case, the applicants produce the original documents, the same can be received subject to admissibility, relevancy and proof.

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