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A.No.5078 of 2022

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in
C.S.No.639 of 2012

G. CHANDRASEKHARAN, J.

This application is filed to pass an order to grant leave to file the sale agreement dated 28.08.2012 and to receive the same in the suit.

2. The learned counsel for the applicant submitted that he filed the suit for specific performance against the defendants for enforcing the sale agreement dated 16.07.2012 executed by the defendants in his favour. This suit is now pending for recording the evidence of the plaintiff. Now, the applicant came across the sale agreement dated 28.08.2012 executed by the deceased first and second defendants namely C.Jones Chelliah and Shella Jones in favour of Mathuranayagam. He obtained a certified copy of the sale agreement dated 28.08.2012 and this sale agreement is necessary to show that the deceased defendants had no good intention and they wanted to cheat the plaintiff/applicant. Thus, he prays for receiving his document in C.S.No.639 of 2012.

3. The learned counsel for the respondent opposed this application and prays time for filing counter.



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4. However, this Court on going through the records finds that the sale agreement dated 28.08.2012 was executed between C.Jones Chelliah and Shella Jones with Mathuranayagam. The suit sale agreement is prior to this sale agreement which came into existence on 16.07.2012. Therefore, this Court finds that the submission made by the learned counsel for the applicant that the sale agreement dated 28.08.2012 is a necessary document to show the conduct of the defendants to this Court. Thus, this application is allowed subject to admissibility, relevancy and proof.

5. Registry is directed to send the matter back to the learned concerned Master for recording evidence.

17.11.2022

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