



A.No.1366 of 2023 in
C.S.No.688 of 2012

R.N.MANJULA,J.

This application has been filed to issue subpoena to the authorities as mentioned in the schedule with the judges summon to produce items of materials mentioned against each of the Officers indicated on the appointed day or on any other day enabling this Court to consider marking them in the evidence in C.S.No.688 of 2012.

2. The applicants are the plaintiffs. This application has been filed to examine some of the witnesses on the side of the plaintiffs and for requesting summon to them. The suit has been filed by the plaintiffs for partition and separate possession of both movable and immovable properties.

3. The learned counsel for the applicants submitted that some of the documents have been produced in xerox copies. The originals are in the custody of the respective authorities and only if the summons issued to the respective witnesses to produce the documents, it can be marked through them and that can serve as the evidence on the side of the plaintiffs.

4. It is seen from the affidavit of the applicants / plaintiffs that the following documents have been called for with the presence of the following witnesses:



WEB COPY



“a) The locker for security register of Indian Overseas Bank attached to Nehru Park Branch, Chennai handled by T.Manimegalai and thereafter by Sujatha Selvakumar and also the authorization granted in favour of Sujatha Selvakumar by T.Manimegalai connected with the Saving Bank Account 20032. The deposit was handled to earlier by T.Manimegalai when she was alive and thereafter by Sujatha Selvakumar having key No.95, Locker No.117, closed on 27.08.2012 (Xerox copy produced).

b) The salary particulars of Hemachandran, Roll No.25336-clerk/shroff drawn when he was alive and other loan particulars he had availed while he was in service during 1984 to 1992.

c) The amount of terminal benefit and other DCRG when he died while in service on the death of T.Hemachandran – Bank clerk Roll No.25336-clerk/sheroff.

d) the particulars of the persons, to whom the amounts were settled may have to be furnished before the Court with the letters of disbursement.

e) the particulars of the appointment given to Indira, 1st plaintiff due to the death of her husband T.Hemachandran. The salary fixed initially and the one



WEB COPY



now in existence.

f) The loan so far availed by T.Hemachandran-bank clerk while he was in service. T.Hemachandran (died on 02.08.1992).

The authorities before whom the particulars and original records are available are as follows:

1.The Manager,

Indian Overseas Bank,

Choolai Branch (Code 0245),

Chennai 600 007.

(joined as messenger from 1984)

2. The Manager,

Indian Overseas Bank,

Muthialpet Branch (Code 305)

No.230, Thambu Chetty Street,

Muthialpet, George Town,

Chennai 600 001.

(worked as clerk/shroff)

3.The Assistant General Manager,

Personal Department / Administration,

Indian Overseas Bank,

No.962, Anna Salai,

Chennai 600 002.”



WEB COPY

5. The document (a) is the security register for locker attached to the Indian Overseas Bank, Nehru Park Branch, Chennai. It is said that the locker has been handled by T.Manimegalai and thereafter by Sujatha Selvakumar. The register will not show what were kept in the locker and hence, it is unnecessary.

6. The document (b) pertains to salary particulars of Hemachandran who was the deceased husband of the first plaintiff. The fact that the first plaintiff's husband was working in the Bank was not denied. So it is unnecessary to call upon the Bank Manager to produce salary details of the late Hemachandran for his entire service from 1984 to 1992. From those documents alone, it cannot be proved that the husband of the first plaintiff had also contributed to the joint family. So, it is unnecessary to call upon the witness to produce the documents (b). For the same reasons, documents (c), (d) and (f) which are in connection with terminal benefits and other DCRG particulars of the late Hemachandran are also unnecessary.

7. In fact, document (d) is letter of disbursement in connection with regard to the terminal benefits of late Hemachandran to his legal heirs. With the above document, the plaintiffs cannot make out some other case in a case which has been filed for partition. So the said document is also not necessary.



WEB COPY

8. The document in (e) is the appointment letter given to the first plaintiff after the death of Hemachandran. The first plaintiff is said to have been appointed on compassionate ground. So, without any appointment letter, the first plaintiff would not have joined the Bank.

9. It is unnecessary to harass the Managers of various Branches of Indian Overseas Bank to be present and bring all these documents. In fact, the plaint does not contain any pleadings in connection to these documents and it is just an unnecessary application filed for no practical purpose. It is learnt that the evidence of the plaintiffs is already pending before the Additional Master – IV and in view of this application, the further proceedings are stalled.

10. Since I find no merit in the application, this application in A.No.1366 of 2023 is dismissed. The matter is ordered to be listed before the Additional Master - IV for recording further evidence. The parties are directed to appear before the Additional Master – IV on 05.04.2023.

28.03.2023

gsk



WEB COPY



R.N.MANJULA,J.

gsk

A.No.1366 of 2023 in
C.S.No.688 of 2012

28.03.2023