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A.No.1943 of 2023 in
TOS.No.10 of 2006 and
C.S.No.77 of 2015

R.N.MANJULA,J.

The applicant is the plaintiff. This application has been filed by the plaintiff seeking permission to receive two documents as additional evidence.

2. The learned counsel for the applicant / plaintiff submitted that the first document sought to be received relates to the complaint given by him to the police with regard to the dispute and in order to establish those facts, he has to produce the copy of the complaint along with other connected documents; the second document is a family settlement wherein the parties have agreed to divide the properties as per the understanding arrived between themselves; since the 2nd document is also a vital document to prove the case of the plaintiff, the said document should also be received as additional evidence on his side.

3. The learned counsel for the respondents / defendants submitted that so far as the police complaint is concerned, the applicant tries to



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produce those documents which will form part of the record of the concerned Police Station and they are just photocopies; the applicant cannot be the custodian of those records and without producing the certified copies, the said papers cannot be received as evidence.

4. So far as the first document is concerned, the plaintiff is entitled to produce the copy of the complaint along with the receipt, but not the photocopies of the rest of the proceedings recorded by the police during the enquiry or after enquiry. The applicant has to either obtain the certified copies or to call the concerned police to depose the evidence by producing the records of enquiry. So, permission is granted to the plaintiff to produce the copy of the complaint along with connected documents.

5. So far as the second document is concerned, though it is titled as a family settlement, the contents of the document would show that the parties have arrived at some understanding to divide their respective shares and further there are lot of blanks in the document in describing the suit numbers, date of the Will etc. and the document appears to be



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inadmissible to receive as evidence. It would only show that the said document confers certain rights of the parties and the respective parties are also said to have derived title in respect of their shares. Since the contents of the document appear to be more than the arrangement in the family, it ought to have been properly stamped and registered in compliance of Section 17 of Registration Act.

6. Since the 2nd document is an unregistered one, it is inadmissible and it cannot be received. Hence permission to produce the document No.2 is denied. So, the application is partly allowed by permitting the applicant to produce the copy of the complaint alone. With regard to the rest of the annexures made in Document No.1 and Document No.2, the application is dismissed.

19.06.2023

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