



A.No.1666 of 2023
in C.S.No.563 of 2019

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R.N.MANJULA,J.

This application has been filed by the plaintiff to receive additional documents.

2. The learned counsel for the applicant / plaintiff submitted that the suit has been filed to declare the Will dated 09.03.2014 as null and void and also to declare the Settlement Deed dated 04.09.2013 executed in favour of the defendant as null and void. The suit has also been filed for the relief of partition by claiming $\frac{1}{2}$ share in the suit property. It is submitted that in order to prove the cordial relationship between the plaintiff and her husband who is the son of the defendant, the additional documents now sought to be produced are very essential and hence the applicant should be permitted to produce those documents on her side.

3. The learned counsel for the respondent/defendant submitted that it was the husband of the plaintiff who was admitted in the hospital, but the certificate has been produced as though the plaintiff has also admitted as an inpatient in the hospital. These documents have been procured with some ulterior motive. Even though the submission of the plaintiff is that she had attended her husband all along when he was admitted in the hospital, it would be feasible for her to produce the entire case records and not the certificate



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alone. So the documents now sought to be produced have been cooked up for the purpose of the suit and just to stultify the admissions given during cross examination. In fact the plaintiff did not stay in the hospital during the death of her husband and she did not even participate in the funerals. Having admitted the said fact now these documents have been produced to cause further confusion. Further, the learned counsel for the respondent/defendant has raised serious objection as to the time during which the documents were produced.

4. In reply, the learned counsel for the applicant/plaintiff submitted that these documents were not available with her at that time and she could get the same from the Doctor only at later point of time.

5. The fact that the plaintiff is the wife of the defendant's son is not denied. However it is submitted by the defendant that the plaintiff was not living cordially with her son and even she did not attend his funeral. The applicant has produced certain hospital documents and claimed that it was the plaintiff who was present with her husband when he was admitted in the hospital. The admission form is attached with the certificate given by one Dr.R.Surendran who has stated that it was the plaintiff who got admitted in the hospital on 22.07.2013. But the admission form shows only the admission of



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the plaintiff's husband. The plaintiff's affidavit contains the facts that her husband was admitted in the hospital and Doctor's certificate has been given in a very short manner. So far as the admission form is concerned, it has got some relevancy with the husband of the plaintiff who got admitted in the hospital from 22.07.2013. The defendant has denied the contention made by the plaintiff that she was present along with her husband during his last days, more particularly when he was admitted in the hospital. Hence, she has a duty to prove the same. But the applicant has claimed that these are the vital documents to show her involvement when her husband was admitted in the hospital. Since these documents seem to be relevant to the contention of the defendant, the same should be permitted to be produced as evidence. The respondent/defendant is at liberty to raise his objections, if any at the time of trial.

6. In view of the same, this petition is partly allowed and the document No.2 alone is permitted to be received, subject to proof and relevancy.

27.03.2023

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R.N.MANJULA, J.



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