



A.No.2057 of 2023 in
TOS.No.5 of 2020

R.N.MANJULA,J.

This Application has been filed by the plaintiff seeking permission to file additional documents.

2. The Testamentary Original Suit has been filed by the plaintiff seeking Letters of Administration in respect of the Will dated 14.08.2008 executed by one Ganesan who is said to be the father of the plaintiff. Since the defendant filed caveat and objected the original petition filed by the plaintiff in O.P.No.790 of 2019, the original petition got converted into TOS.No.5 of 2020. Now, the applicant / plaintiff has come out with an application to file additional documents on his side.

3. The learned counsel for the applicant / plaintiff submitted that these documents are very much essential to prove the claim made by the plaintiff in the suit and no prejudice would be caused upon the defendant, if the said documents are received.

4. The respondent / defendant has filed counter by stating that she does not admit the allegation made by the plaintiff that she has received 17 sovereigns of jewels including Thali. The applicant / plaintiff did not give any jewels after the death of her mother.



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R.N.MANJULA,J.

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5. Even if the documents sought to be filed by the plaintiff are allowed to be marked, the same can be marked only subject to proof and relevancy and the respondent / defendant has got an opportunity to object the same, if the documents are not relevant or inadmissible. Further, the respondent / defendant has also got the opportunity to cross examine the plaintiff and confront him with regard to the contents of the documents, if it deems fit. Since the application has been filed just to receive additional documents, I feel this application should be ordered subject to proof and relevancy.

6. Accordingly, this application is allowed and hence, the documents can be received subject to proof and relevancy.

28.04.2023

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