



A.No.2283 of 2023
C.S.No.453 of 2023

K.KUMARESH BABU, J.

This application has been filed seeking to mark six listed documents annexed to the Judges Summons.

2.Learned counsel for the applicant would submit that the evidence is being recorded and is being examined in cross.

3.It is relevant that these documents are marked through the plaintiff which will substantiate the case of the plaintiff. Hence would seek indulgence of this Court to permit the applicant to mark those documents during the cross examination of the plaintiff's witness.

4.The same has been stoutly opposed by the learned counsel for the respondent/plaintiff contending that the plaintiff's witness who is in the box has no connection with the documents and therefore, it would not be appropriate to mark the same through him. If at all, the applicant wants to rely upon the same, he could rely upon such documents when he leads an evidence and the same could also be marked subject to proof and relevancy.



either side and perused the materials available on record.

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6.The suit had been initiated seeking for a relief of partition of the share of the plaintiff in the 'A' & 'B' schedule properties. The suit had been contested by the defendants alleging that the plaintiff has no rights to claim partition in the suit properties.

7.The documents that have been listed to the Judges Summons are documents to which the defendant is a party. As rightly pointed by the learned counsel for the respondents, it is always open to him to mark the said documents when the applicant leads his side of evidence. He cannot force the documents to be marked through the plaintiff's witness as the plaintiff witness is neither aware of the documents nor he is a party to the documents.

8.Hence, the application as prayed for could not be ordered and is dismissed. However, the applicant would be at liberty to mark the aforesaid documents during the examination of his witness.

12.06.2023

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