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A.No.3069 of 2023
in Tr.C.S.No.6 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	21.07.2023
<i>Pronounced on</i>	02.08.2023

CORAM:
THE HONOURABLE MS.JUSTICE R.N.MANJULA

A.No.3069 of 2023
in Tr.C.S.No.6 of 2022

Amalgamations Private Limited,
861, Dr.Radhakrishnan Salai,
Chennai – 600 004.

... Applicant

vs.

1. Shankar Sundaram
2. Mallika Srinivasan
3. Murali Venkatraman
4. Master Shriram (Minor)

...Respondents

Application is filed under Order XIV Rule 8 of Original Side Rules read with Section 63 of the Indian Evidence Act, to grant leave to the applicant company to produce photocopies of the gift deeds dated 27.12.1974 and 19/20.03.1976 executed by late Valli Anantharamakrishnan in favour of 1) Anantharamakrishnan Memorial Trust 2) Narayana Iyer Memorial Trust 3) Paramakalyani Trust 4) Saravanabhava Trust and 5) Sri Sivasailapathi Trust.

For Applicant : Mr.Krishna Srinivasan, Senior Counsel
for Mr.S.Ramasubramiam & Associates



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For Respondents : Mr.K.Ravi, Senior Counsel, for R1
for M/s.Rugan and Arya

ORDER

This application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 63 of the Indian Evidence Act, to grant leave to the applicant company to produce photocopies of the gift deeds dated 27.12.1974 and 19/20.03.1976 executed by late Valli Anantharamakrishnan in favour of 1) Anantharamakrishnan Memorial Trust 2) Narayana Iyer Memorial Trust 3) Paramakalyani Trust 4) Saravanabhava Trust and 5) Sri Sivasailapathi Trust.

2. The above suit has been filed to declare certain transfer of the shareholding of the first defendant belonging to late Valli Anantharamakrishnan in favour of the joint names of the second and third defendants as illegal and null and void and for other consequential reliefs. When the suit is set for trial this application has been filed by the plaintiff seeking permission of the Court for producing photocopy of the original gift deeds dated 27.12.1974 and 19/20.03.1976 involved in this case.



3. The learned counsel for the applicant / first defendant submitted that the gift deeds is of the year 1974 and 1976 which is too old and hence it will be safer if they are allowed to be retained at the custody of the applicant.

4. The learned counsel for the first respondent / plaintiff has filed his counter by seriously objecting the prayer sought by the applicant; as per the statement of the learned counsel for the first respondent, the production of gift deeds alone is not sufficient and they have to be proved before the Court; without the original documents being available in the Court, those aspects cannot be proved and that will be detrimental to the interest of the respondents.

5. In usual course, in these kind of production of valuable documents, the Court would ask the party to furnish the photocopy of the document and substitute the same after getting its contents compared with the original. However the learned counsel for the first respondent / plaintiff has raised severe objection by stating that the



signatures in the gift deed are disputed and hence the original document has to be proved and the applicant / first respondent should not be allowed to retain the original with himself.

6. The applicant's apprehension is that the original gift deeds will get lost in the Court. Hence it will be appropriate to direct the Registry to retain the custody of these documents under safe custody of the Court itself after marking the copy of the documents and after getting it compared.

7. Since the matter is at the stage of trial, there need not be any difficulty for the applicant to produce the originals. The original Will is a vital document which has to be marked and the Court may consider and mark the same at the time of deposing evidence. However the learned counsel for the first respondent submitted that the prayer of the applicant can be allowed by incorporating a condition that the applicant shall produce the gift deed as and when necessary. But it would have been possible if the respondents did not



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raise any objection for retaining the original Will.

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8. Since there is no satisfactory reason offered by the applicant for producing the photocopy of the original gift deeds, this application is liable to be dismissed. However the applicant is at liberty to file an application for return of documents under the relevant provisions of law either during the pendency of the suit for any specific reasons or after the disposal of the suit and after getting appropriate orders from the Court in this regard.

9. With the above observations, this Application is dismissed.

02.08.2023

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Index:Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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R.N.MANJULA, J.

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Pre-delivery order made in
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02.08.2023