



A.No.4182 of 2023 in C.S No.1005 of 2010

A.A.NAKKIRAN, J.

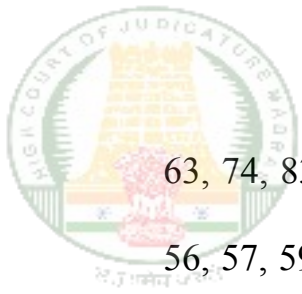
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This application has been filed by the applicant/2nd defendant to receive the documents listed in the Judges Summons.

2. The learned counsel for the applicant/2nd defendant submitted that the documents which were filed as list of documents to the schedule to the Judges summons are very vital documents and it could not be traceable at the time of filing his written statement as well as additional written statement since it got mixed up when he had shifted his residence. He further submitted that the applicant has a valid case to defend the suit and if this application is not allowed in receiving the documents, he will be put to great loss and hardship. Hence, he prays to allow this application.

3. The learned counsel for the respondents 1 to 3/plaintiffs submitted that the suit is of the year 2010 and no reason has been mentioned by the applicant as to why the documents which are now sought to be filed, have not been filed even at the time of filing the written statement. He further submitted that the documents which are sought to be filed shows that certain documents which does not relate to the suit property or certain documents which do not relate to any of the parties to the suit. He

https://www.mhcjudicialinfo/judicial further submitted that except the documents viz., 29 to 38, 44 to 48, 54, 55, 58, 61 to



63, 74, 83, 85, 111, the other documents viz., 1 to 28, 39 to 43, 49 to 50, 51 to 53, 56, 57, 59, 64 to 73, 75 to 80, 81, 82, 84, 86, 87 to 198, 109 to 110, 112 to 115 shall be received subject to proof and relevancy.

4. The learned counsel for the 4th respondent/1st defendant submitted that the reasons assigned in the affidavit for non-filing of documents are false and apparently far from truth and hence, he strongly opposes to allow this application.

5. Considering the facts and circumstances of the case and having satisfied with the reasons stated in the affidavit filed in support of the application, this Court is inclined to permit the applicant/2nd defendant to mark the document as listed in the Judges summons, however, subject to admissibility, relevancy and proof. Accordingly, this application is allowed.

6. Registry is directed to post the matter before the Master Court for marking of documents on 11.10.2023.

20.09.2023

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