



**A.Nos.1356 & 1357 of 2024
in TOS.No.38 of 2021**

A.A.NAKKIRAN, J.

A.No.1356 of 2024 has been filed to direct the applicants/plaintiffs to re-open the chief examination of DW1 for the purpose of marking additional documents.

A.No.1357 of 2024 has been filed to direct the applicants/plaintiffs to receive additional documents morefully set out in the schedule hereunder.

2. Heard both sides.

3. Learned counsel for the applicants has submitted that during cross examination of PW1, the petitioner blatantly refused that he is not having knowledge of that the deceased K. Atmaraman was diagnosed with the disease Myasthenia Gravis. The second applicant has hastened to produce the medical records obtained by her from the hospital where the deceased was treated. He further submitted that no prejudice would be caused to the other side, if these applications are allowed.

4. The learned counsel for the respondent has submitted that the applicants are now seeking to produce xerox copies of some unauthenticated documents. The applicants have not stated as to how they acquired the custody of the application schedule mentioned documents and from whom

A.A.NAKKIRAN, J.



gv
they acquired it and particularly when there is no mention in the said documents, they were not addressed to them. There is no mention either in the written statement or in the proof affidavit of DW1 which clearly shows that the documents have now been created only for the purpose of misleading. They have not neither explain the delay in filing the above application nor sought for any condonation of delay. He has strongly opposed to allow these applications.

5. Taking into consideration the submissions made on either side and the respondent has got every right to cross examine in the above aspect and being satisfied with the reasons stated in the affidavit filed in support of these applications and that no prejudice would be caused if these applications are allowed, these application are allowed subject of proof and relevancy.

6. Post the matter before the learned Additional Master on 15.04.2024 for recording evidence.

Gv

28.03.2024

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