



WEB COPY



A.Nos.4054, 4055 & 4059 of 2024
in C.S.No.166 of 2004

A.Nos.4054, 4055 & 4059 of 2024
in
C.S.No.166 of 2004

ABDUL QUDDHOSE, J

A.No.4054 of 2024 in C.S.No.166 of 2004 has been filed by the plaintiff seeking to subpoena the Branch Manager of M/s.Andhra Bank, No.W5, Kanniamman Street, Shenoy Nagar, Chennai - 600 030.

2. A.No.4055 of 2024 in C.S.No.166 of 2004 has been filed by the plaintiff seeking to subpoena Mr.V.N.Devadoss.

3. A.No.4059 of 2024 in C.S.No.166 of 2004 has been filed by the plaintiff seeking leave of this Court for filing additional documents.

4. Counter affidavits have already been filed by the respondents. As seen from the plaint, the plaintiff is the daughter of one Shanthilal Jain. According to the plaintiff, the second defendant is not the adopted son of Shanthilal Jain. The plaintiff and the second defendant claim that they are entitled to inherit the estate of late Shanthilal Jain.

5. The suit has been filed for partition. The second defendant, in the written statement, has categorically contended that he is the adopted son of late Shanthilal Jain. A written statement has already been filed by defendants and issues have been framed by this Court. The trial



WEB COPY



A.Nos.4054, 4055 & 4059 of 2024
in C.S.No.166 of 2004

ABDUL QUDDHOSE, J

has already commenced in the year 2014 itself. These applications have been filed seeking for the aforementioned relief only in the year 2024.

6. As seen from the affidavits filed in support of these applications, no proper explanation has been given by the plaintiff for inordinate delay. The suit is of the year 2004. The alleged document, which the plaintiff is seeking leave to produce in all these applications, pertains to the year 2002. There is no believable reason given whatsoever in the affidavits filed in support of these applications for the inordinate delay in filing these applications, that too, at the stage when the trial has already commenced in the year 2014 itself. As a plaintiff, who has filed the suit for partition, she must always be vigilant. For the foregoing reasons, this Court is of the considered view that these applications have to be dismissed on the ground of inordinate delay and laches.

7. Accordingly, these applications are dismissed.

Post C.S.No.166 of 2004 before the Additional Master II for recording evidence on 11.12.2024.

22.11.2024

gm

A.Nos.4054, 4055 & 4059 of 2024
in C.S.No.166 of 2004