



**A.Nos.6572, 6573 & 6574 of 2024 in
T.O.S No.23 of 2003**



A.A.NAKKIRAN, J.

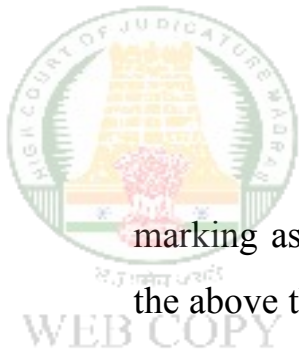
A.No.6572 of 2024 is filed by the applicant/defendant to permit him to file additional proof affidavit in the above suit.

A.No.6573 of 2024 is filed by the applicant/defendant to reopen the evidence of DW1 in the above suit.

A.No.6574 of 2024 is filed by the applicant/defendant to permit him to produce additional document on his side the certified copy of the registered sale deed dated 23.09.1971 document No.2570/1971, S.R.O, Katpadi.

2. The learned counsel for the applicant/defendant submitted that during the cross examination of the defendant, the plaintiff suggested that the property in Ganeshapuram, Kalinjur Village belonged to his father and has been validly dealt with by him under the alleged Will dated 30.06.2000 and the said property has been conveyed by his father to his mother under a registered sale deed dated 23.09.1971-document No.2570/1971, SRO, Katpadi and subsequently, his mother executed a settlement deed and Will in favour of the defendant. In such circumstances, the applicant/defendant is obliged to produce the certified copy of the sale deed dated 23.09.1971 to establish that the said property does not belong to his father. Hence he prays to allow these three applications.

3. The learned counsel for the respondent/plaintiff has strongly opposed stating that the sale deed can be received only production of original registered settlement deed by Dr.Rajam Sircar(the purchaser in the above sale deed) said to have executed in favour of the applicant/defendant for the purpose of marking the same during his cross examination and if there is no such settlement deed, there is no need to receive the above document for



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marking as exhibit on the defendant's side. Hence, he prays for dismissal of the above three applications.

4. Though the learned counsel for the respondent/plaintiff raised serious objection, having satisfied with the reasons stated in the affidavits filed in support of the applications, this Court is inclined to allow all the three applications and thereby permit the applicant/defendant to mark the additional document as listed in the Judge's summons, however, subject to admissibility, relevancy and proof.

5. Accordingly, all the three applications are allowed.

6. The Registry is directed to list the matter before the Additional Master-III for recording evidence on 09.01.2025.

19.12.2024

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