



WEB COPY

A.No.592 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 18.03.2025	PRONOUNCED ON 23.04.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.592 of 2025

in

C.S.No.24 of 2024

Sunita Charupalli

... Applicant

vs.

1.Edamadaka Bala Venkata Subbiah

2.Hanumayamma Edamadaka

3.Sathish Kumar Edamadaka

4.Lakshmi Manasa Charupalli

... Respondents

For Applicant : Mr.R.Latha

For Respondent : Mr.S.Gopinathan for R4

No Appearance for RR1-3

ORDER

This application has been filed to grant leave to the applicant to file additional documents in C.S.No.24 of 2024 as per the schedule hereunder.

2) Heard Mrs.R.Latha, learned counsel for the applicant and



Mr.S.Gopinathan, learned counsel for the fourth respondent.

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3) Mrs.R.Latha, learned counsel for the applicant would submit that the applicant had initiated the instant suit for a declaration that the cancellation of the settlement deed that had been executed by the first and second defendants in favour of the plaintiff and the fourth defendant as null and void and also challenging the other settlement deeds executed by first and second defendants. She would submit that the various documents were relied upon in the plaint, however, the Judges summons mentioned documents were misplaced and was traced by the applicant only now. The said documents are more relevant to substantiate the case of the applicant/ plaintiff. Therefore, she would seek this Court's indulgence to receive the said documents for substantiating her claim.

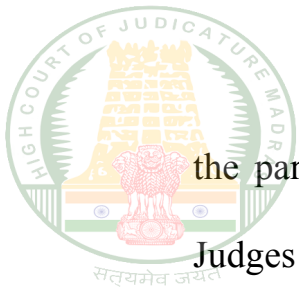
4) On the other hand, Mr.S.Gopinathan, learned counsel for the fourth respondent would contend that the applicant/ plaintiff who was also a beneficiary along with the fourth respondent were informed about the cancellation of the settlement deed executed in their favour by the first and second respondents. That apart, he would submit that the present documents



are all not at all relevant to the case. He would further submit that there is no reasoning as to the relevancy of the documents which are now sought to be introduced. Further, a vague averment had been made that the said documents were misplaced and there is no averment as to when these documents were traced and the reason for not tracing the document at that relevant point of time. He would submit that the present application had been filed only to protract the proceedings. Issues were framed by this Court as early as on November, 2024 and was relegated to the learned Additional Master-I for recording of evidence on 03.12.2024. The plaintiff had been taking time without leading in any evidence and had now come to this Court with the present application. Therefore, he would seek dismissal of the application.

5) I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

6) The suit is filed for declaration to declare certain documents to be null and void and for a relief of partition against the fourth respondent. As rightly pointed out by the learned counsel for the fourth respondent except for extracting the pleadings of the plaint as to how this dispute had arisen between

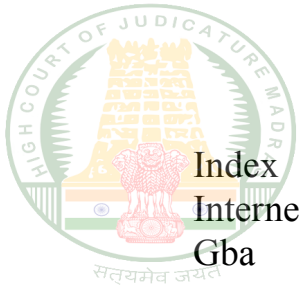


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the parties, there has been no averment with regard to the relevancy of the Judges summon mentioned documents and no reason except for a bald averment that the said documents were misplaced has been made and not even an averment as to when the documents were traced are found. The said documents relates to a police complaint in the year 2018, medical records and travel documents. The said documents according to this Court cannot be considered to be relevant to the facts on which the suit had been framed. Even if it is claimed by the plaintiff that the documents would substantiate the delay, it is the admitted case of the applicant/ plaintiff that it had come to the knowledge of such documents challenged in the suit only in the year 2023. Therefore, this Court is of the view that the Judges summons documents that is sought to be relied upon by the applicant/ plaintiff has no relevancy to the present suit and it is only a ruse to protract the proceedings.

7) For the aforesaid reasons, this Court is of the view that the application is without any merits and is accordingly, dismissed. However, there shall be no order as to costs.

23.04.2025



Index : Yes / No
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K.KUMARESH BABU.J.,

Gba

Pre-Delivery Order in
A.No.592 of 2025
in
C.S.No.24 of 2024

23.04.2025