



WEB COPY

A No. 2571 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 2571 of 2025

IN

CS NO. 166 OF 2004

Mr.S.Ajit Kumar

S/o.M.Shanthilal Jain, Old NO.39, New
No.9, Jeremiah Road, Vepery, Chennai
60007

Applicant / 2nd defendant

Vs

1.Mrs.Kusum Ashok

W/o.Mr.Ashok Old No.39

New No.9 Jeremiah Road Vepery Ch 7.

1st respondent /
plaintiff

2.Mrs.N.MAdan Bai

W/o.Late Nemichand Jain

No.156 Trunk Road

Poonamallee Trivellore

District 56

3.Mr.N.Jaya Kumar

S/o.Nemichand Jain

No.156 Trunk Road

Poonamallee Trivellore

District 56



WEB

4.Mrs.P.Padmavathi

W/o.Prakash Chand

Solanki No.41

Kondapuram Street

Trivellore 602 001s

5.Mrs.V.Chandra

W/o.M.Veerandar Kumar

No.605-a Wing Adinath

Apartments Tardeo

Grantes West Mumbai 400

001

6.Mrs.P.Nirmala

W/o.Prakash Chand

Lalwani No.13 Clements

Road Doveton (near Sms

Hospital) Purasawalkam

Chennai 600 007

7.Mrs.P.Lalitha

W/o.Padam Sen Surana

Paras Agency No.90

Nageshwaran South Street

Kumbakonam 612 001

8.Mrs.G.Saraswathi

W/o.Gouthamchandji

Surana No.439 M.T.H.

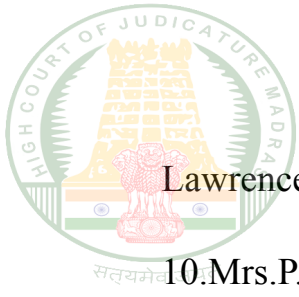
Road Ambattur Chennai

53

9.Mrs.V.Kalavathi

W/o.Vijayakumarji Mehta

Mahaveer Jewellers



Lawrence Road Cuddalore

10. Mrs. P. Vaijayathimala

W/o. R. Praveen Kumar

Kochar No. 86 Mint Street

First Floor Sowcarpet

Chennai 600 079

11. Mrs. R. Sharmila

W/o. Rateesh Kumarji

Bhatia Chellani Complex

Veerappan Street

Sowcarpet Chennai 79

Respondents / Defendants

PRAYER : To receive the additional documents as secondary evidence as listed in the schedule to the Judges Summons on the side of the defendants in C.S.No.166 of 2004.

For Applicant(s): M/s. A. Palaniappan

For Respondent(s): M/s. Aashish Jain Lunia for D2
Mr. M. Devendran for D1, D3 to
D11

ORDER

The applicant / second defendant has filed this application to receive the additional documents as secondary evidence as listed in the schedule to the Judges Summons on the side of the defendants in C.S.No.166 of 2004.



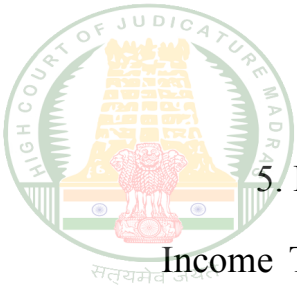
2. The applicant is the second defendant in the main suit. The first respondent / plaintiff has filed a suit for partition by claiming $\frac{1}{2}$ share in the suit property. The suit is now at the stage of recording defendants' side evidence. The applicant who claims himself as the adopted son of the original owner of the property Shanthilal Jain has filed this application to receive the following documents by claiming that they are relevant to the case:

(i) The Commissioner of IT, acknowledgment for voluntary disclosure scheme along with relevant annexures dated 27.12.1997.

(ii) Application form - Bharat Krishak Samaj dated 26.06.1983.

3. The first document is the acknowledgment for receiving the form of declaration submitted by late Shanthilal Jain under voluntary disclosure scheme. The other document is an application filed by late Shanthilal Jain under Bharat Krishak Samaj for becoming a life member. In the said application, the applicant's name has been written as a nominee for Shanthilal Jain.

4. The learned counsel for the applicant submitted that those documents are relevant in order to prove that the applicant is the adopted son of Shanthilal Jain and that Shanthilal Jain has got movable properties as shown in the form attached therein and that they should also be subjected to partition. Hence, the secondary evidence can be received and permitted to be used as an evidence on the side of the second defendant.



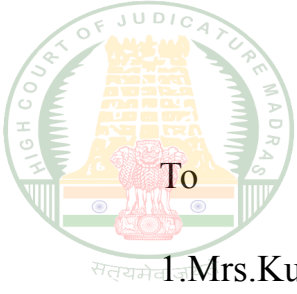
5. Even according to the applicant, the first document was filed before the Income Tax Department. Hence, it can be considered as a public document.

Such public documents can be called for from the authority who would have its custody. Unless efforts to produce the original documents in custody are found to be unsuccessful or the original documents are not available, then only depending upon the relevancy of the documents, the copies of those documents can be received as secondary evidence. As the documents are said to be public documents, the copies of those documents should be attested by the concerned authority in order to confirm that they are the copies of the original documents only.

6. As the applicant has filed this application without exhausting the above remedy and without getting due certification on the copies, this application is disposed with liberty to the applicant to take the above steps for the purpose pleaded by him.

08-09-2025

gsk



To

1.Mrs.Kusum Ashok

W/o.Mr.Ashok Old No.39 New No.9
Jeremiah Road Vepery Ch 7

2.Mrs.N.MAdan Bai

W/o.Late Nemichand Jain No.156
Trunk Road Poonamallee Trivellore
District 56

3.Mr.N.Jaya Kumar

S/o.Nemichand Jain No.156 Trunk
Road Poonamallee Trivellore District
56

4.Mrs.P.Padmavathi

W/o.Prakash Chand Solanki No.41
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W/o.M.Veerandar Kumar No.605-a
Wing Adinath Apartments Tardeo
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W/o.Prakash Chand Lalwani No.13
Clements Road Doveton (near Sms
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7.Mrs.P.Lalitha

W/o.Padam Sen Surana Paras Agency
No.90 Nageshwaran South Street
Kumbakonam 612 001



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W/o.Gouthamchandji Surana No.439
M.T.H. Road Ambattur Chennai 53

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W/o.Vijayakumarji Mehta Mahaveer
Jewellers Lawrence Road Cuddalore

10.Mrs.P.Vaijayathimala
W/o.R.Praveen Kumar Kochar No.86
Mint Street First Floor Sowcarpet
Chennai 600 079

11.Mrs.R.Sharmila
W/o.Rateesh Kumarji Bhatia Chellani
Complex Veerappan Street Sowcarpet
Chennai 79



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