



WEB COPY



A.No.2786 of 2025 in T.O.S.No.47 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN

A.No.2786 of 2025

IN

T.O.S.No.47 of 2022

1.K.Vijayachamundeeswari

2.K.Saravanan

.. Applicants

Vs.

S.Uma Maheswari

.. Respondent

Application filed under Order XIV Rule 8 of O.S.Rules r/w. under Order VII Rule 14(3) of CPC to permit the plaintiffs/applicants herein to file additional documents mentioned below and to receive the same in T.O.S.No.47 of 2022 on the file of this Court.

For Applicants : Mr.K.Balaji

For Respondent : Mr.Pa.Sudesh Kumar

ORDER

This application has been filed seeking permission to the plaintiffs to introduce further documents and mark the same during the course of trial.



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WEB COPY 2. In the affidavit filed in support of Judges Summons, it had been contended that originally, O.P.No.27 of 2022 had been filed with respect to a will said to have been executed by Elumalai Pillai. Owing to the objection raised by the respondent, the said Original Petition was converted as Testamentary Original Suit. Parties will now have to tender evidence along with Tr.C.S.No.57 of 2023, being the lead suit and the plaintiffs in the suit will have to lead evidence first. The applicants/plaintiffs seek permission to mark further documents and a perusal of the same shows that they relate to *inter se* communication between the plaintiffs and the defendant and also judgment in earlier suit in O.S.No.7594 of 1989 and A.S.No.343 of 1990 and S.A.No.1144 of 1992. Documents relating to mortgage, settlement and sale are also sought to be marked.

3. Heard the learned counsel for the respondent.

4. The documents may be marked subject to admissibility, proof and relevancy. One of the documents mentioned in the list *viz.*, document in serial number 11 is a xerox copy, but, learned counsel states that there is no dispute raised over the authenticity of the said document. If any objections are raised, the



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learned Additional Master may record the same and thereafter, permit the

document to be marked. Placing that caveat, this application stands allowed.

5. The witness to be present before the learned Additional Master-IV on
28.07.2025 for recording of evidence.

09.07.2025

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C.V. KARTHIKEYAN, J.

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