



A.No.6383 of 2024
in
C.S.No.498 of 2013

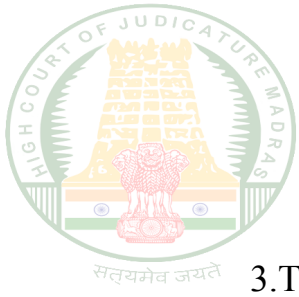
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C.V.KARTHIKEYAN, J.

This application has been filed to condone the delay of 832 days in producing further document by the 1st defendant. The nature of documents have been listed out in the schedule to the Judges Summons. A perusal of the same shows that they are Settlement Deed executed by Sathyavathiammal, Will executed by Sathyavathiammal, Legal Heir Certificate, documents relating to the mortgage, bank, electricity, water tax and property tax receipts and also the certified copy of a sale deed and the death certificate of the father of the 1st defendant.

2.In the affidavit filed in support of the Judges Summons, it had been contended that the 1st defendant had received the suit summons on 05.09.2013 and thereafter, there were talks for settlement. The 1st defendant had not filed the written statement because of the hope that the settlement talks would progress in a positive manner. It had been stated that thereafter, the written statement was taken on file on 13.12.2021 and the delay was condoned. The documents now listed are required to establish the case of the 1st defendant. They were located only now and there was a delay in producing the said documents.

C.V.KARTHIKEYAN, J.



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3.The primary objection raised on behalf of the respondents is that copies of the documents have not been served and therefore they could not get proper instructions about the relevancy of the said documents. But however, copies have now been furnished to the learned counsel for the respondents. With respect to the delay, it had been stated that documents should have been produced in the first instance and no acceptable reason had been given for delay the delay.

4. At any rate, the relevancy of the documents could always be tested during the evidence and documents would be marked only subject to admissibility and they should be proved in manner known to law. Placing that caveat, I would condone the delay in producing documents and allowed this application.

5.A further perusal of the list shows that though certified copies and original of the documents are sought to be produced, document Nos.9, 10, 11 and 13 are xerox copies. At the time of marking the documents, the originals should be produced and they could be compared and on satisfaction, the copies could be marked.

6.In view of the above, this Application stands allowed.

08.07.2025

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