



A.No.482 of 2026 in
C.S(Comm Div).No.122 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**A.No.482 of 2026 in
C.S(Comm Div).No.122 of 2025**

Mohammed Usman Sait
Son of Haji Ebrahim Oosman Sait,
Proprietor of Joonus Sait & Sons,
having its Registered Office at No.36,
Rattan Bazaar Road, George Town,
Chennai-600 003.

.. Applicant/Plaintiff

-VS-

Mohammed Saleem Sait
Son of Haji Ebrahim Oosman Sait
having its registered office at
F-37, 38, Dee Cee Tower,
Second Avenue, Chinthamani,
Anna Nagar East, Chennai 600 102,
Alternatively at
Ground Floor, Alsa Mall, Main Entrance,
Complex, Red Cross Road, near Alsa Mall,
Egmore, Chennai-600 008.

.. Respondent/Defendant

Prayer: Judge's summons filed under Order XIV Rule 8 of O.S.Rules and
Order XI Rules 12 and 15 Read With Section 151 of the Code of Civil

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Procedure, 1908, prayed to direct the respondent/defendant to produce the following originals thereof for inspection and furnish photocopies of the same to the applicant/defendant.

(a) GST registrations, returns and annual statements relating to the respondent/defendant and/or the business carried on under the name “Joonus Sait”;

(b) Documents relating to the dissolution of M/s.Joonus Sait in the year 1998;

(c) Justdial listings/filings and supporting records wherein the respondent/defendant has claimed proprietorship of the business under the name “Joonus Sait”;

(d) Income Tax Returns and accompanying financial statements of the business “Joonus Sait” filed by the respondent/defendant for Assessment Year 2020-21 onwards, including subsequent years as and when available, till final disposal of the suit;

(e) Statements of accounts, including bank statements and ledgers, relating to the business “Joonus Sait” from 2020-21 onwards;

(f) Lease deeds, rent agreements, licenses, and sale deeds for all premises from which the respondent/defendant has operated business under the name “Joonus Sait” since 01.04.2000, including renewals and amendments;

(g) Documents or records showing the respondent/defendant’s son, Sulaiman Sait alias Salman Sait, as proprietor or owner of the business carried on under the name “Joonus Sait”; and



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(h) Documents or writings whereby Late Ebrahim Sait is alleged to have transferred, assigned, or otherwise granted the business or goodwill of “Joonus Sait” to the respondent/defendant.

For Applicant/Plaintiff : Mr. Amit Sharma

For Respondent/Defendant : Ms. S.Suba Shiny

ORDER

In a suit for alleged infringement and passing off, the plaintiff has filed the application for a direction to the defendant to produce the following documents:

(a) GST filings and returns including registration certificate, and annual statements, pertaining to the respondent/defendant and/or the business claimed by him under the name “Joonus Sait”;

(b) Documents relating to the dissolution of M/s.Joonus Sait in the year 1998;

(c) Justdial filings/listings and supporting documents wherein the respondent/defendant claims or has claimed proprietorship over the business using the name “Joonus Sait”;



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(d) Income Tax Returns, along with computation statements, balance sheets, profit and loss accounts, and audit reports of the business of Joonus Sait filed by the respondent/defendant, for the Assessment Year 2020-21 onwards upto the date of filing of this present Application, and for subsequent Assessment Years as and when they become available, until final disposal of the present suit;

(e) Statements of accounts, including bank statements, ledger accounts, cash books, and allied financial records relating to the business of Joonus Sait from 2020-21 onwards claimed by the respondent/defendant;

(f) All lease deeds, rent agreements, licenses, and sale deeds in respect of each and every premises/store from which the respondent/defendant is operating or had operated business under the name “Joonus Sait” since the grant of permission on 01.04.2000 to use the trade name till the present date, including all renewals, extensions, amendments, and ancillary documents thereto;

(g) All documents or records wherein the respondent/defendant’s son, Sulaiman Sait alias Salman Sait is shown or represented as the proprietor or owner of the business carried on under the name “Joonus Sait”; and

(h) All documents, instruments, agreements, declarations, or writings, whereby Late Ebrahim Sait is alleged to have transferred, assigned, or otherwise given the business or goodwill of “Joonus Sait” to the respondent/defendant, as claimed by him, including any supporting correspondence relied upon in support of such claim.



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2. Learned counsel for the applicant/plaintiff submits that these documents are in the exclusive possession, custody and control of the defendant and that they are directly relevant to the issues arising in the suit. He also submits that the plaintiff is not indulging in a fishing expedition.

3. In reply, learned counsel for the respondent/defendant submits that the plaintiff has not provided reasons for seeking the production of these documents. She adds that the application was not preceded by a notice to produce in Form 7 of the Appendix C of the Code of Civil Procedure, 1908. She also submits that the plaintiff cannot collect evidence by seeking the production of these documents at this juncture.

4. In paragraph 5 of the affidavit in support of this application, the plaintiff states that the documents are directly relevant to the issues arising in the suit and are necessary for proper and effective adjudication. Beyond these generic statements, the plaintiff has not provided any justification for requesting for several documents. *Prima facie*, it appears that the documents at clauses (a), (d) and (e) relate to the revenues and profits of the defendant.



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At this juncture, the plaintiff is not entitled to call for the production of these documents. As regards the document at clause (b), the plaintiff has not even asserted that the said document is not in his possession in spite of him admittedly having been a partner of the firm M/s. Joonus Sait. The documents requested for at clauses (c), (f) and (h) go well beyond the scope of the suit. The document at clause (g) pertains to a third party to the suit.

5. In the above facts and circumstances, I find no justification warranting a direction to the defendant to produce these documents. Therefore, this application is dismissed without any order as to costs.

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Index:Yes/No

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Internet:Yes/No

Neutral Citation:Yes/No

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SENTHILKUMAR RAMAMOORTHY,J.

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