

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

C.R.P.(PD).No.2028 of 2017
and
C.M.P.No.9884 of 2017

India Green Grid Group Limited,
(Formerly known as ETL Infrastructure
Service Limited)
having office at
"Chennai-one",
Pallavaram-Thoraipakkam 200 Feet Road,
Thoraipakkam,
Chennai – 600 097. ...Petitioner/Respondent/Plaintiff

vs.

1.Coimbatore City Infra Services (Private) Limited,
A1, Sai Kripa Apartments,
Thadagam Road,
R.S.Puram,
Coimbatore-641 002.

2.S. Palaniappan @ P. Shanmugam

3.R. Selva ...Respondents/Petitioners/Defendants

This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 04.03.2017 passed by the learned IV Additional District Judge, Coimbatore in I.A. No.475 of 2016 in O.S.No.129 of 2011.

For Petitioner : H.Karthik Seshadri

For Respondents : Mr.Tranquebal Dorai Vasu

ORDER

The petitioner/plaintiff, aggrieved by the orders of the trial Court in I.A.No.475 of 2016, granting leave to file the documents submitted by the defendants/respondents, is before this Court.

2.According to the petitioner/plaintiff, while granting leave, the trial Court has erred to note that after commencement of trial, receiving the documents would seriously prejudice his case and would be deprived of defending the suit effectively.

3.When the matter was taken up for hearing, Mr.Tranquebal Dorai Vasu, learned counsel for the caveator/respondent is present.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. On perusal of the order of the trial Court, it is seen that the documents, which were produced before the trial court, were available with the respondents/defendants, as there was litigation between the parties before the Company Law Board. Now, the witnesses were examined on the side of the plaintiff. At this stage, if the documents were introduced, though they may not be taken by surprise, ample opportunity shall be given to the plaintiff to defend his case. To set right the same, the learned counsel appearing for the respondents would submit that he has no objection for the petitioner/plaintiff filing replication statement as well as recalling of PW1 to give further evidence.

Recording the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondents, this Civil Revision Petition is disposed of. As found by the trial Court, the plaintiff is always at liberty to make objections before marking of documents before the Lower Court. On the basis of the documents

marked, the petitioner/plaintiff is entitled to file a replication statement and adduce an additional evidence in respect of documents sought to be filed. The trial Court is directed to dispose of the suit in O.S.No.129 of 2011 within four months, from the date of receipt of the copy of this order. Consequently, connected Miscellaneous Petition is closed.

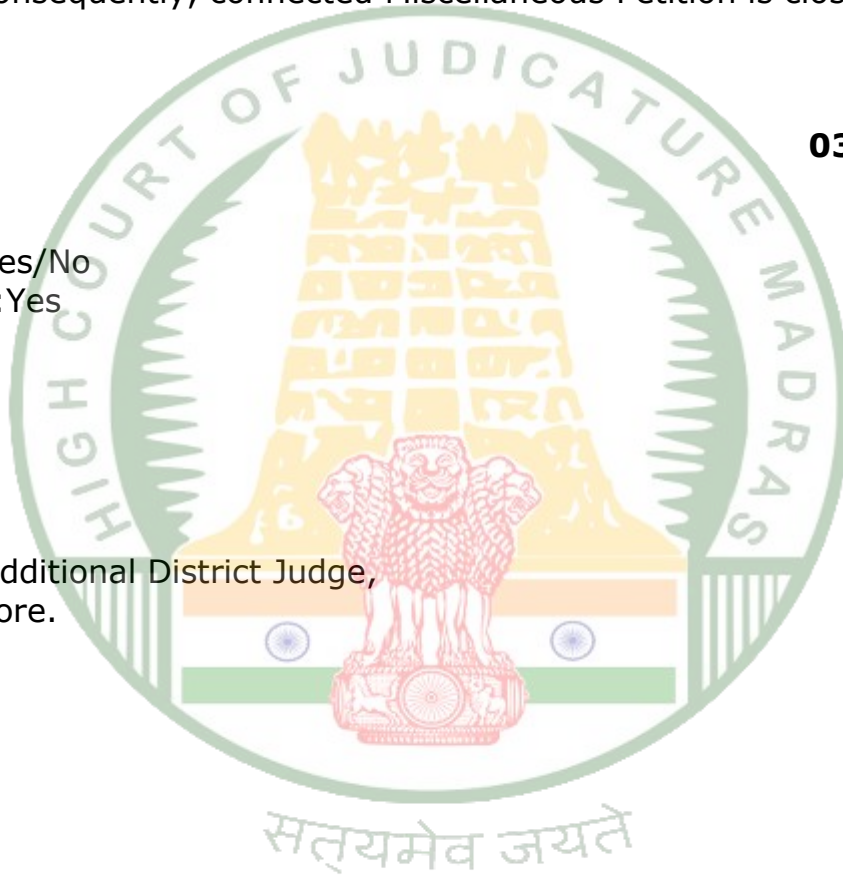
03.07.2017

Index: Yes/No
Internet:Yes

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To

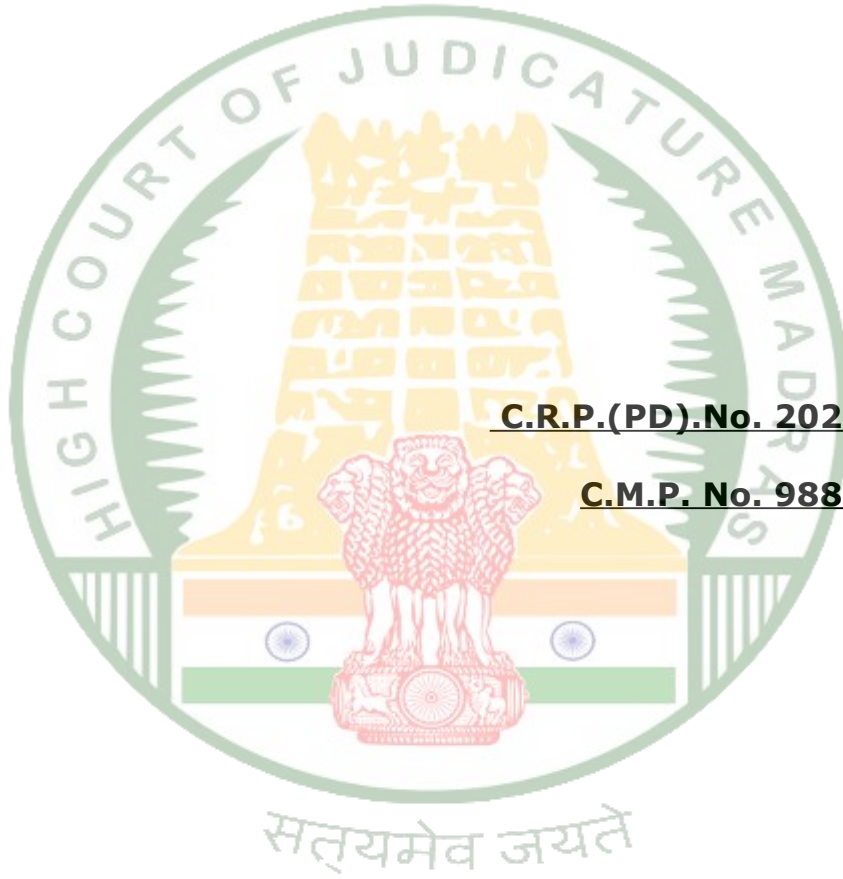
The IV Additional District Judge,
Coimbatore.



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M.GOVINDARAJ,J.

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