

A.No.2983 of 2017  
in C.S.No.986 of 2005

P.KALAIYARASAN, J.

This application has been filed by the applicants/plaintiffs seeking permission of this Court to receive the documents mentioned in the application.

2. It is averred in the application that the applicants/plaintiffs have filed the suit for return of advance amount, with reference to the agreement for sale entered into between the 1<sup>st</sup> applicant/1<sup>st</sup> plaintiff and the respondents/defendants and after change of their earlier counsel, he has been advised to file the sanctioned plan as a document and therefore, they have come forward with this application.

3. Learned counsel appearing for the respondents/defendants opposes this application contending that he has not been served with the copy of the document sought to be filed and that this application has been filed belatedly, after filing the proof affidavit of the plaintiffs and the document now sought to be filed, is a fabricated one.

4. Today, the matter is listed for filing counter as last chance and during previous hearing, when the application was listed before this court, non furnishing of the copy of a document has not been brought to the notice. Further, only sanctioned plan is sought to be received.

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5. The reason given by the applicants/plaintiffs for non-filing of the document in time, is convincing and acceptable. Commencing examination of witness is not a ground, to curb the opportunity of the applicant. Regarding fabrication of the document, it is not stated, how the respondent has come to such a conclusion. However, the document is to be received only, subject to relevancy and proof.

6. Therefore, this Court is of the considered view that in order to give an opportunity to the applicant, this application is to be allowed.

7. Accordingly, this application is allowed and the document mentioned in the application is ordered to be received, subject to relevancy and proof.

13.06.2017  
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Note : Issue order copy on 15.06.2017

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