

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 10TH DAY OF OCTOBER 2018

THE HON'BLE MR. JUSTICE M.SUNDAR

A.No.5135 of 2017
in
C.S.No.205 of 2011

1. M/s Asianet Communications Ltd
Rep.by its Company Secretary
Mr.B.K.Baburajan
Asianet Complex
Puliyarakonam P.O.
Thiruvananthapuram

Applicant/Plaintiff

Vs.

1. Mr.S.Parthasarathy
Proprietor, V.J.Vision
15/6, Vanamali Apartments
Singaram Street
T.Nagar
Chennai 600 017

2. Mr.S.S.T Lakshmanan
D-5, Rajaram Colony
Jayabaratham Street
Kodambakkam
Chennai 600 034

3.M/s.Evershine Release
Rep by its Partner
Mr.S.S.T.Subramaniam
P.B.No.3534,Ernakulam
Kochi 682 035

4.M/s.Evershine Release
Rep by its Partner
Mr.S.S.T.Lakshmanan
No.17, Habibullah Road,
T.Nagar,Chennai 600 017

5.M/s Pals Communications Pvt Ltd
Rep by its Chairman
Mr.C.H Noushad
Kadakkandan buildings
Downhill, Malapuram
Kerala 676 519

6.M/S Prasad Film Laboratories
A Unit of Prasad Productions Limited
Arunachalam Road, Saligramam
Chennai 600 093

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to permit the Applicant/Plaintiff to markduly authenticated copy of plaint document No.1, photocopies of the plaint document No 2,No.3 along with original letter dated 21.02.2017, original of plaint document No.4 and lab letter dated 21.02.2005, photocopies of plaint document Nos.5,6,7 and 8 in the above suit.

This Application coming on this day before this court for hearing the court made the following order:

Sole plaintiff in the main suit is the lone applicant herein. Defendants 1 to 6 in the main suit are Respondents 1 to 6 respectively in the instant application.

2. Parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Instant application has been taken out by the plaintiff with a prayer to file/receive nine additional documents in addition to the documents that have been filed along with the plaint. To be noted, prayer in the judges summons reads as follows:

'Why this Hon'ble Court should not be pleased to permit the applicant/plaintiff to mark duly authenticated copy of plaint Document No.1, photocopies of the plaint Document No.2, No.3 along with original letter dated 21.02.2017, original of plaint Document No.4 and lab letter dated 21.02.2005, photocopies of plaint document Nos.5, 6, 7 and 8 in the above suit'

4. Learned counsel for first defendant Ms. Vidya takes objection to the language in which the prayer is couched and says that the prayer is to mark the documents, which is impermissible.

5. There is no difficulty in accepting this submission. Prayer has to necessarily be for filing and receiving the documents. Learned counsel for plaintiff submits that this application can be treated as an application for filing/receiving nine documents, which **have** been set out in the schedule to the judges summons.

6. Learned counsel for second defendant Mr. Vignesh Kumar submits that with regard to Serial No.5, plaintiff has not given any reason as to why it was not filed along with the plaint. Responding to the same, learned counsel for plaintiff submits that the same could not be filed as it was not available at that point of time.

7. However, it appears *prima facie* that Serial No.5 is imperative for deciding the lis. In the light of the narrative supra, I am of the view that it would serve the

ends of justice if this application is allowed with usual rider that nine additional documents set out in the judges' summons should be permitted to be received/filed subject to proof and relevance in a manner known to law.

Application ordered on above terms.

Sd./- M.S.J.

10.10.2018

//Certified to be a true copy//

Dated this the day of 2018.

DL/16.10.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

सत्यमेव जयते

WEB COPY