

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 20TH DAY OF DECEMBER 2018

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

A.No.9735 of 2018
in
C.S.No.385 of 2010

M/s. Foods, Fats & Fertilisers Limited
Rep.by its Director, S.B.Goenka
No.222, Fountain Plaza, 1st Floor,
Pantheon Road, Egmore,
Chennai 600 008.

...Applicant/Plaintiff

Vs.

1. ICICI Bank Limited
represented by its Joint General
Manager, Mr.Anuj K.Agarwal
Global Infrastructure
And Administration Group
ICICI Bank Towers, Bandra Kurla
Complex, Mumbai - 400 051.

2. ICICI Bank Limited, rep.by its
Senior Officer-Protocal
Mr.M.Sundarakannu
Global Infrastructure
and Administration Group,
No.1, Cenotaph Road, Teynampet,
Chennai 600 018.

3. Ramakrishna Kulwanth Rai,
Holding Pvt Ltd., Rep.by Rajeev Rai
No.14, North Avenue,
Kesavaperumalpuram,
Chennai 600 028.

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased
to condone the delay in filing the enclosed document and
permit the applicant to file the enclosed document into
this Hon'ble Court in C.S.No.385 of 2010.

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

This application has been filed by the plaintiff seeking for the prayer to condone the delay in filing the enclosed document and to permit the applicant to file the enclosed document in C.S.No.385 of 2010.

2. Heard Mr.Shanmugam, learned counsel for the applicant/plaintiff and Mr.V.Perumal, learned counsel for D3 and Mr.Roshan Balasubramanian, learned counsel for D1 and D2.

3. Both the learned counsel for the respondents would vehemently contend that, the documents sought to be filed by the applicant/plaintiff would no way connected with the case as those documents admittedly is the recent origin of the year 2018 whereas, the suit was filed sometime in 2010. They would further submit that, the reason given for delay in filing these documents cannot be accepted, as there is no acceptable reason has been given by the applicant. By citing these two reasons, the learned counsel opposed this application.

4. I have heard the learned counsel on either side and have gone through the averments made in the affidavit filed in support of this application.

5. Since the applicant is the plaintiff and in order to prove his case, he wanted to file those documents, that too the original documents, whether it will have evidentiary value or not cannot be decided at this stage.

Therefore, instead of preventing the applicant/plaintiff at

the threshold, to bring the documents in order to prove his case, it is pertinent to allow this application. However, since there is a delay in filing the same, though the same was claimed to be in possession of the applicant/plaintiff, this application can be allowed only on terms.

6. Hence, each of the respondents herein shall be paid a sum of Rs.2,000/- by the plaintiff/applicant and the said cost shall be paid through the counsel for the respondents, within a period of two weeks.

7. With this condition, this application is allowed.

8. Since the suit is of the year 2010 and examination of witness is yet to be commenced, there shall be a direction to the applicant/plaintiff, to file his proof affidavit on the next hearing date which falls on 09.01.2019 before the learned Master. It is made clear that, the examination of witnesses shall be completed, within a outer limit of three months from the commencement of examination, i.e., on 09.01.2019.

Sd/-R.S.K.J
20.12.2018

//Certified to be a true copy//

Dated this the day of 2019
JJ 04/01/19

COURT OFFICER