

A.Nos.1186 & 1187 of 2019
in
C.S.No.348 of 2013

PUSHPA SATHYANARAYANA, J.

These two applications have been filed by the applicant/plaintiff to produce the additional documents enlisted in the schedule to the Judges summons and to file an additional proof affidavit.

2. The learned counsel appearing for the respondent vehemently contested that excepting Document Nos.15 and 16 enlisted in the schedule to the Judges Summons, he seriously objecting to the marking of other documents though they are only E-mails. The learned counsel contended that these documents are relating to the alleged sexual harassment and the documents cannot be marked without obtaining the procedure prescribed for the same.

3. Considering the submissions made on either side and also going through the averments made in the affidavit, this Court is inclined to allow the application but however the documents sought to be marked as additional evidence can be marked subject to proof, relevancy and admissibility at the time of evidence. This Court may follow the procedures as per the decision of the Honourable Supreme Court reported in **2001-3-SCC-1 (Bipin Shantilall Panchal Vs. State of Gujarat and another)** while dealing with the question of admissibility of

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documents during the course of trial at the stage of taking evidence when any objection is raised.

4. Therefore, the applicant/plaintiff is permitted to file the documents, subject to proof and relevancy of those documents. It is open to the parties to raise their objections with regard to the admissibility and relevancy of those documents at the time of recording the evidence before the learned Additional Master-I and the learned Master shall record such objections leaving it to the Court to decide about the admissibility and relevancy of those documents at the time of arguments.

5. With the above observations, the applications are allowed. The Registry is directed to list the matter before the learned Additional Master-I on 19.08.2019 for recording further evidence. The learned counsel for the applicant/plaintiff shall produce the original document before the learned Additional Master-I at the time of recording evidence. It is also directed that both the parties shall co-operate with the learned Additional Master-I in recording the evidence.

08.08.2019

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