

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 13TH DAY OF NOVEMBER 2019

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

A.No.3640 of 2019

in

C.S.No.157 of 2011

M/s.Bohemian Destinations Pvt Ltd.,
Rep.by its Managing Director
Mr.N.G.George
No.7, Khader Nawaz Khan Road
Chennai 600 006.

..Applicant/Plaintiff

Vs.

MR.R.Balakumar
3, Crescent Street
ABM Avenue
Chennai -28.

..Respondent/Defendant

Application praying that this Hon'ble Court be pleased to receive the documents detailed herein under as documents on the side of the Plaintiff in the above suit in C.S.No.157 of 2011.

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

This application is filed by the applicant to receive the documents detailed herein under as documents on the side of the plaintiff in the above suit in C.S.No.157 of 2011.

2. Heard the learned counsel for the applicant and learned counsel for the respondent.

3. Considering the submissions made on either side and also going through the averments made in the affidavit, I am 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 documents during the course of trial at the stage of taking evidence when any objection is raised.

4. Therefore, the applicant/defendant 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-IV 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 application is allowed. The Registry is directed to list the matter before the learned Additional Master-IV on 25.11.2019 for recording further evidence. The learned counsel for the applicant/defendant shall produce the original document before the learned Additional Master at the time of recording evidence. It is also directed that both the parties shall co-operate with the learned Additional Master-IV in recording the evidence. The learned Master is directed to complete the evidence within a period of three weeks.

Sd./- P.S.N.J.

13.11.2019

//Certified to be a true copy//

Dated this the day of 2018.

SU.15.11.2019

COURT OFFICER