

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 18th DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.NO.3359 OF 2019

in

C.S.No.549 of 2014

M/s. Tom Lange Co.Int.dba Inc Seven Seas
Kent, WA 98032
United State of America
rep.by its authorized signatory
Mr.Chad Duane Hasting,
House No.92, Block No.18
Kalyanpuri, Delhi 110091

...Applicant/Plaintiff

-vs-

P.Ganapathy,
T/3-2M Anna Fruit Market,
Koyembedu, Chennai 92

...Respondent/Defendant

Application praying that this Honble Court be pleased
to grant leave to the plaintiff to bring on record the
additional documents mentioned in the schedule in the
Judges summons.

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 permission to produce the documents, which are the copies of the invoices and bills of lading.

2. According to the plaintiff, through these documents were referred to in the plaint were not filed along with the plaint by oversight. The learned counsel for the respondent would oppose the application contending that the plaintiff was aware of the existence of the documents on the date of the suit. Despite having having knowledge the documents were notified. He would also plead that the story which is sought to be projected as if there was a communication gap between the counsel and the plaintiff has been brought about only to furnish a plausible reason for non-filing of the documents in time. The learned counsel would however not dispute the genuineness or otherwise of the documents.

3. Considering the fact that the suit is one for damages for inaction on the part of the defendant in taking delivery of the fruits (Perishable Items), I do not think it will be fair to reject the request of the plaintiff.

Hence, in the interest of justice, this application is allowed, the documents are permitted to be produced subject to proof and relevancy.

4. Registry is directed to post the matter before Additional Master - II on 18.07.2019 and 19.07.2019 for continuation of chief and cross-examination. The learned counsel for the respondent would submit that he will finish the cross-examination on 23.07.2019. The Additional Master is directed to post this matter on day to day basis between 18.07.2019 to 23.07.2019.

Sd/.R.S.M.J

18.06.2019

//Certified to be a true copy//
Dated this the day of 2019.

R.s/02.07.2019

COURT OFFICER

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

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