

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

O.S.A.No.331 of 2019
and
C.M.P.No.27089 of 2019

M/s.Aradhana Distributors Pvt. Ltd.,
through its Director Sanjay Kumar Patodia ... Appellant

Vs

M/s.Renault India Pvt. Ltd.,
37 & 28, Venkatnarayana Road,
Asv Ramana Towers, 4th Floor,
T.Nagar, Chennai - 17. ... Respondent

Appeal preferred under Clause 15 of Letters Patent r/w
Order XXXVI Rule 9 of O.S. Rules against the order dated
20.11.2019 made in A.No.8879 of 2019 in C.S. (Comm.Divn.) No.621
of 2016.

Prayer in A.No.8879/19: Application praying that this Hon'ble
Court be pleased to grant an order allowing the present
Application permitting the Applicant/Defendant to file the
additional documents herein in the present suit.

Prayer in C.S: to pass an order of decree and Judgment against
the Defendant to pay sum of Rs.6,52,32,396/- the suit of the
plaintiff for a total sum of:-

a.Rs.6 52 32 396/- as damages suffered by the Plaintiff in
total.

b.Costs of the suit may also be awarded.

c.Such further or other order to be passed and/or directed be
siver as may be deemed fit and proper under the facts and
circumstances of the present suit.

For Appellant .. Ms.S.Nithya

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The appellant is the plaintiff in the suit. The suit has been laid for recovery of money. During the pendency of the suit, the respondent filed an application in A. No.8879 of 2019, seeking to file additional documents. The aforesaid application was allowed by the learned single Judge and hence the appeal.

2.Learned counsel appearing for the appellant submits that wrong provision has been quoted in the application seeking additional documents to be marked. The documents sought to be marked are in the form of electronic evidence. Therefore, they will have to be supported by affidavit. There is substantial delay on the part of the respondent in not cooperating with the trial. Therefore, the order of the learned single Judge requires interference. In support of her submission, learned counsel made reliance upon the judgment of the Delhi High Court in Nitin Gupta Vs. Texmaco Infrastructure and Holding Limited (C.S. (Comm) 1215/2016 and CC (Comm) 36/2017 dated 29.04.2019).

3.We have perused the order of the learned single Judge. the interest of the appellant has been taken care of sufficiently. The documents are directed to be received in evidence subject to admissibility, relevancy and proof. After all, this is a suit for recovery of money and therefore, the parties will have to be given sufficient opportunity to put forth their respective contentions. The maintainability of the appeal itself, in our considered view, is doubtful, though we are not willing to go into the same. Suffice it to state that the appellant cannot be a person aggrieved against the order permitting the respondent to mark the documents. On a perusal of those documents, it is clear that they are nothing but e-mail communication between the parties apart from the power of attorney. Therefore, we are not inclined to entertain this appeal as the same would further delay the hearing of the suit.

4.Accordingly, the Original Side Appeal stands dismissed with the observation that the marking of documents would not amount to admissibility, relevancy and proof and therefore, it is well open to the respondent to raise all objections as per law. No costs. Consequently, connected miscellaneous petition is closed.

5.Taking into consideration the submission made by the learned counsel appearing for the appellant that there is considerable delay, we direct the learned Additional Master II to complete the evidence within a period of three months from

the date of receipt of a copy of this judgment. If the respondent is not cooperating, the learned Additional Master II is at liberty to close the evidence and thereafter proceed further. The learned single Judge dealing with the final hearing of the suit is requested to dispose of the suit after the completion of the evidence as aforesaid within a further period of four weeks.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mmi

To

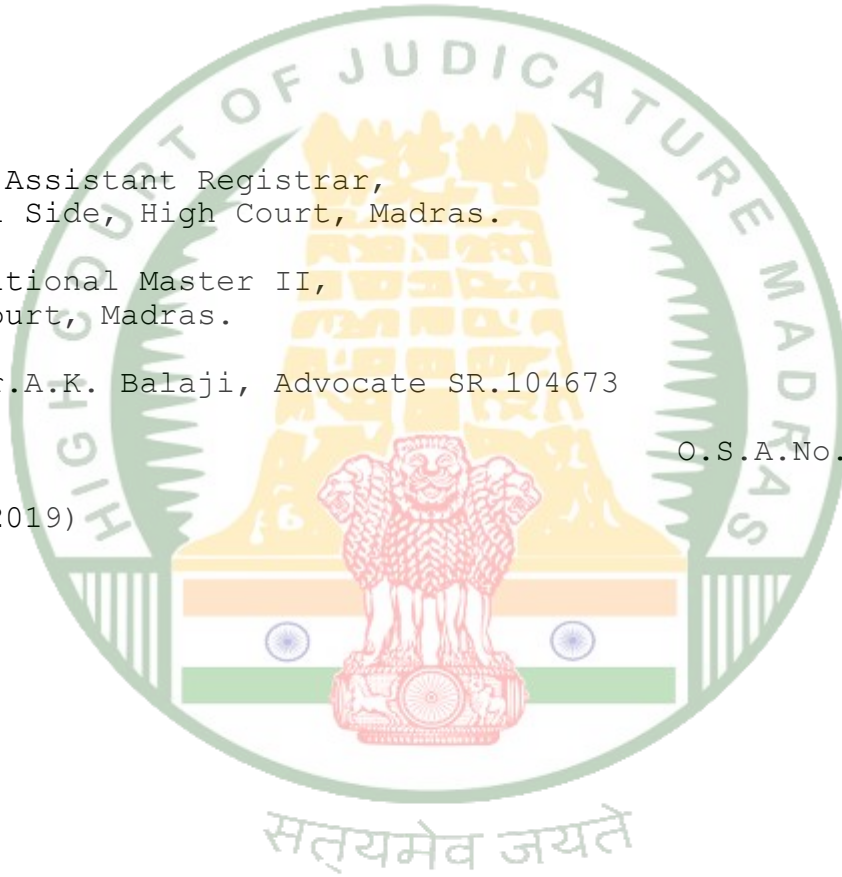
1.The Sub Assistant Registrar,
Original Side, High Court, Madras.

2.The Additional Master II,
High court, Madras.

+1cc to Mr.A.K. Balaji, Advocate SR.104673

O.S.A.No.331 of 2019

RSV(CO)
CB(19/12/2019)



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