

A.No.2126 of 2020
in C.S.No.817 of 2014

C.V.KARTHIKEYAN J,

The application has been filed by the defendants to receive additional documents. The matter is now at the stage of recording the evidence. It is actually posted for recording the evidence of the defendants. At this stage, this application has been filed seeking to produce 13 documents. A rough perusal of the list of documents, which are now sought to be produced show they are Credit Arrangements Letter issued by the defendants to the plaintiffs, Undertaking given by the first plaintiff pursuant to the loan transaction, the Balance Sheet of the first plaintiff, Statement of Accounts of the first plaintiff, Current Account Statements of the second plaintiff and a Certificate under the Banker's Book Evidence Act.

2. The learned counsel for the applicant / defendant insisted that these documents are related to the statements made in the written statement already filed on behalf of the defendants, and that therefore a new case is not being introduced by way of these documents.

3. Insofar as the reason as to why the documents were not filed along with the written statement, it had been stated that when the proof affidavit was being prepared, it was noticed that the documents, though relevant, have not been filed along with the written statement and that the reason is neither wilful nor wanton.

C.V.KARTHIKEYAN.J.

rna

4. The documents will have to be tested with respect to their relevancy and admissibility during the course of trial. They would also have to be proved in the manner known to law.

5. Subject to the above conditions and if any objections are raised during the marking of documents, with a request to the Master recording the evidence to note down the objections and a further request to the learned counsels to address the objections at the time of advancing arguments in the main case, the documents are permitted to be taken on file.

6. This application is allowed.

7. However, it is also seen from the perusal of the list that all the documents are photocopies. At the time of marking the documents the originals of all the documents will have to be produced for comparison and the copies of the documents can be marked after authentication if the originals are required for official purposes.

12.10.2020
(1/2)

rna

A.No.2126 of 2020
in C.S.No.817 of 2014