

A.No.1639 of 2020
in
C.S.No.609 of 2019

C.V.KARTHIKEYAN,J.,

This application has been filed by the plaintiff seeking permission to file further documents which are in the nature of certificates from Chinese Company and Sales Turn over and Invoice Copies and No Objection from the Trademark Registry.

2. In the affidavit filed in support of the said application, it had been stated that these documents were already filed during the arguments of the Interlocutory Applications, but however had not been filed along with the plaint. Therefore permission is sought to take them on record during trial.

3. Heard the learned counsel for the respondent/defendant also.

4. The learned counsel put an caveat stating that unless the originals are produced at the time of the marking of the documents, the photocopies cannot be treated as admissible. Further the relevancy of the document should also be a subject matter of cross-examination. The documents should also be proved in the manner known to law. Insofar as the originals are concerned, it is correct that they should be produced at the time of marking the documents and if are some reason, the respondent/defendant state they require the originals for their official purposes, then, the copies may have to be compared with the originals and only then can the copies be marked.

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5. The learned counsel for the respondent/defendant also stated that in view of the fact that these are new and additional documents which had not been filed along with the plaint, and therefore necessary permission may be granted to file additional written statement.

6. Permission is granted.

7. However in the additional written statement, the defendant cannot travel beyond reference to the documents now filed.

8. With these observations, application is allowed.

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