

A.No.257 of 2020
in
C.S.No.404 of 2019

DR.G.JAYACHANDRAN,J.,

This application is filed by the plaintiff to receive additional documents.

2. The suit was filed as commercial suit alleging infringement of copyright in the year 2019. The suit was taken on file and after completion of pleadings, the Court has fixed Case Management Schedule for examination of witnesses. Thereafter, this application is filed to receive additional documents stating that the plaint was amended and while amending the plaint by inadvertently, the additional documents which are relevant to this case has not been filed. Hence additional document is taken on file.

3. This was strongly opposed by the respondent/defendant on the ground that these two documents which are sought to be marked are subsequent to filing of the suit and after the Court fixed Case Management Schedule on 11.12.2019, relying upon the embargo of Order 11 Rule 1(3) of C.P.C., is amended as Commercial Courts Act.

4. The learned counsel for the respondent would submit that the intention of the plaintiff is to drag on the proceedings without adhering to the time frame fixed under the Act. The documents which were not known and was not in possession of the plaintiff at the time of filing of the suit alone can be entertained. Whereas, in the present application, the plaintiff has not made out a case for allowing the application to adduce the additional documents.

5. On perusing the affidavit filed along with the application except by inadvertence, there is no reason stated by the applicant for not filing the documents along with the plaint. Having sworn the written statement of truth under Order 11 Rule 1(3), the present application without any reasonable cause is liable to be dismissed.

6. Accordingly, the application is dismissed.

rpl

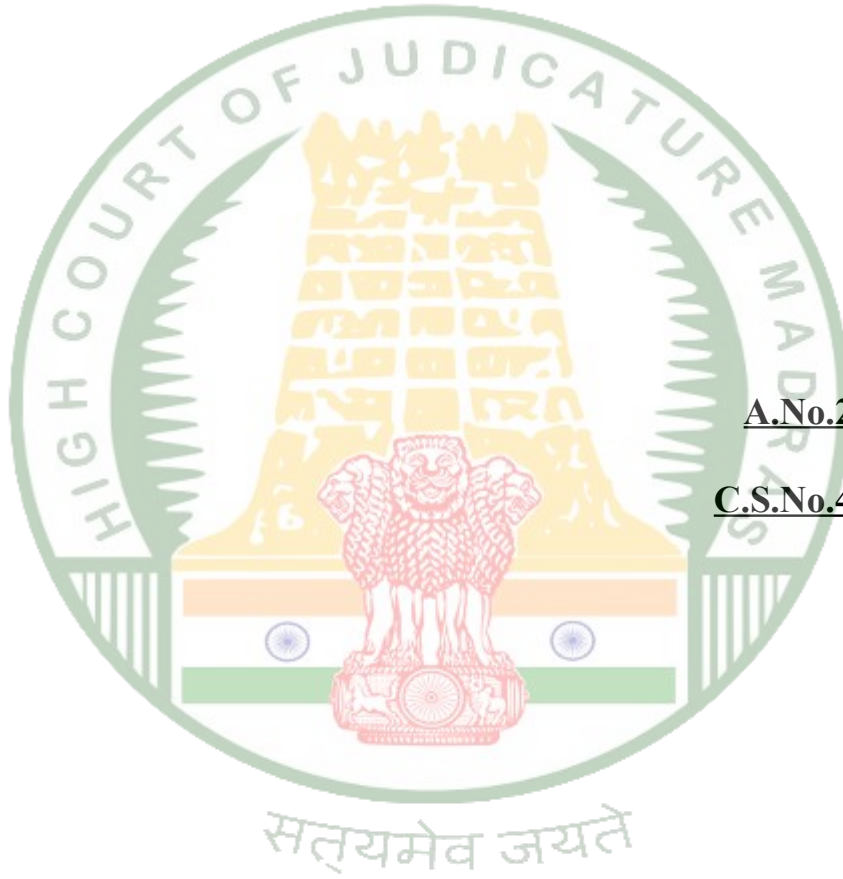
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