A.No.530 of 2021
in C.S.No.477 of 2017

C.V.KARTHIKEYAN J,

This application has been filed by the plaintiff seeking permission to produce additional documents. These documents include a demand notice from the Deputy Commissioner dated 11.09.2017, a letter by the plaintiff to the assessing authority dated 28.02.2018, receipts for payment of interest dated 13.04.2018 and 09.11.2018 and an order in A.No.6072 of 2018 dated 05.11.2019.

2. Heard the learned counsel for the applicant and also the learned counsel for the respondent.

3. It is stated in the affidavit filed in support of the said application that A.No.6072 of 2018 had been filed seeking permission to amend the plaint and by an order dated 05.11.2019 amendment was permitted. While filing that application, these documents were produced to establish the requirement for amendment. The documents had been

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considered by Court. Copies were also served on the learned counsel for the respondent.

4. A counter has been filed by the respondent.

5. However, it would be in the interest of both the parties that the documents are produced and subjected to cross examination not only with respect to admissibility but also with respect to relevancy of the documents. The documents will also have to be proved in manner known to law. The witness must also state as to why the amendment sought was not incorporated in the plaint originally. The reason advanced would also be tested during cross examination.

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6. With these observations, this application is allowed.

17.03.2021
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