

A.No.1050 of 2021
in C.S.No.135 of 2020

DR.G.JAYACHANDRAN,J.

This application is filed to receive additional documents pertaining to the sample sale invoices, sample advertisement invoices and Chartered Accountant Certificates.

2.This application is filed after the case management schedule determined by this Court fixing examination of the witnesses from 04.03.2021. This application is strongly opposed by the defendant stating that these documents were in possession of the plaintiff at the time of filing the suit and no reasonable cause stated in the present application for not producing the same at the time of filing the suit. Further, strong opposition is taken in the counter regarding the conduct of the plaintiff, who has not produced the originals of the additional documents. It is stated in the counter that after admission and denial of documents, the present application is filed without adducing any proper reason. Mere reference of certain facts will not entitle the plaintiff to adduce additional documents at the later point of trial.

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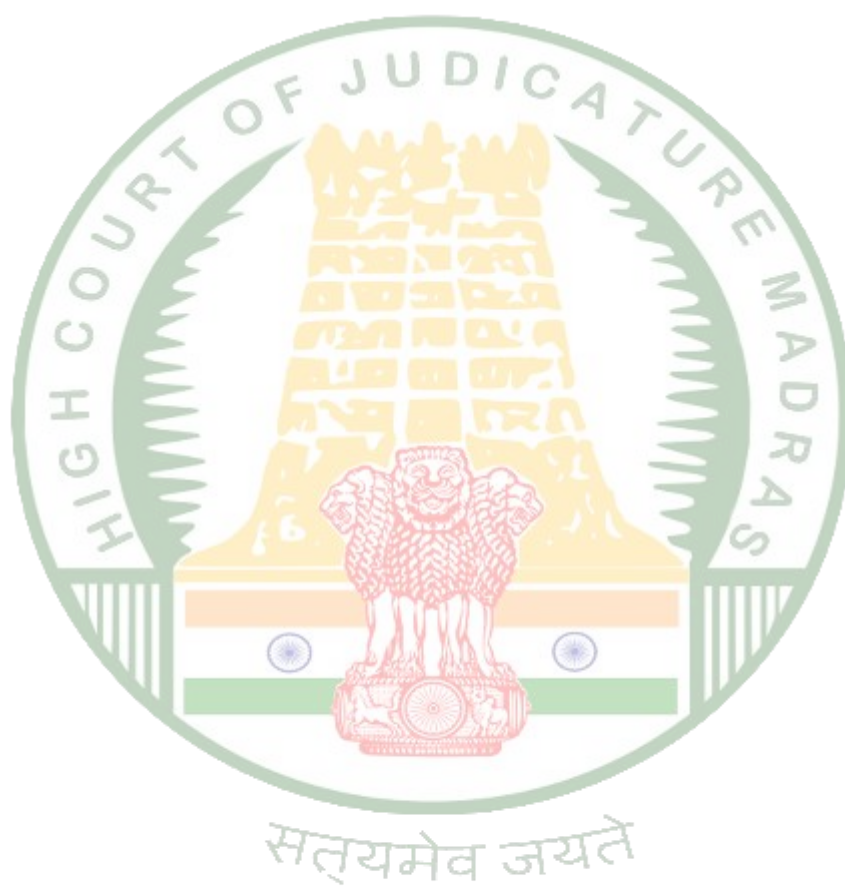
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3. On perusing the affidavit filed along with the application and the counter filed by the respondent, this Court finds that there is a force in the opposition. The plaintiff ought to have filed these documents at the earliest point of time. No specific reason made out in the affidavit for not producing these documents except making reference about the expenditures incurred by them for advertisement and their turnover. Also no reason for not producing the originals of these documents. However, the learned counsel for the applicant/plaintiff states that now the original documents have been produced in the Registry and the same may be accepted for evidence.

4. Considering the submissions and to strike a balance, this application is allowed. The additional documents can be received subject to proof and relevancy on condition that the plaintiff pays a cost of Rs.10,000/- to the defendant on or before 31.07.2021.

Call the matter on **05.08.2021** for Case Management Hearing.

19.07.2021



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