

A.No.982 of 2021
in
C.S.No. 609 of 2019

C.V.KARTHIKEYAN, J.

This application has been filed by the plaintiffs in the suit seeking permission to file an additional document namely the Legal User Certificate of the registered Trade Mark No.2727548 dated 14.10.2019. In the affidavit filed in support of the said document, it had been stated that when PW1/Piyush Jain, was to be examined in Chief, it was realized that the said document now under consideration was not filed and a memo was also filed to that effect. It has been stated that the document is very vital to prove the case of the plaintiff.

2. Heard the learned counsel for the respondent also.

3. PW1-Piyush Jain, during the course of his examination in Chief should give adequate reasons for not producing the said document at the time of the institution of the suit or atleast prior to the issues being settled or atleast prior to the "Case Management Schedule" being finalised by the Court. Unless valid reasons are given, the admissibility of the said document

itself can be termed as questionable. Any reason given should be tested during cross examination. With the said observation, the Application is allowed. This would also indicate that the document should also be tested for its relevancy and must be proved in manner known to law.

4. In the result, the Application is allowed. No order as to costs.

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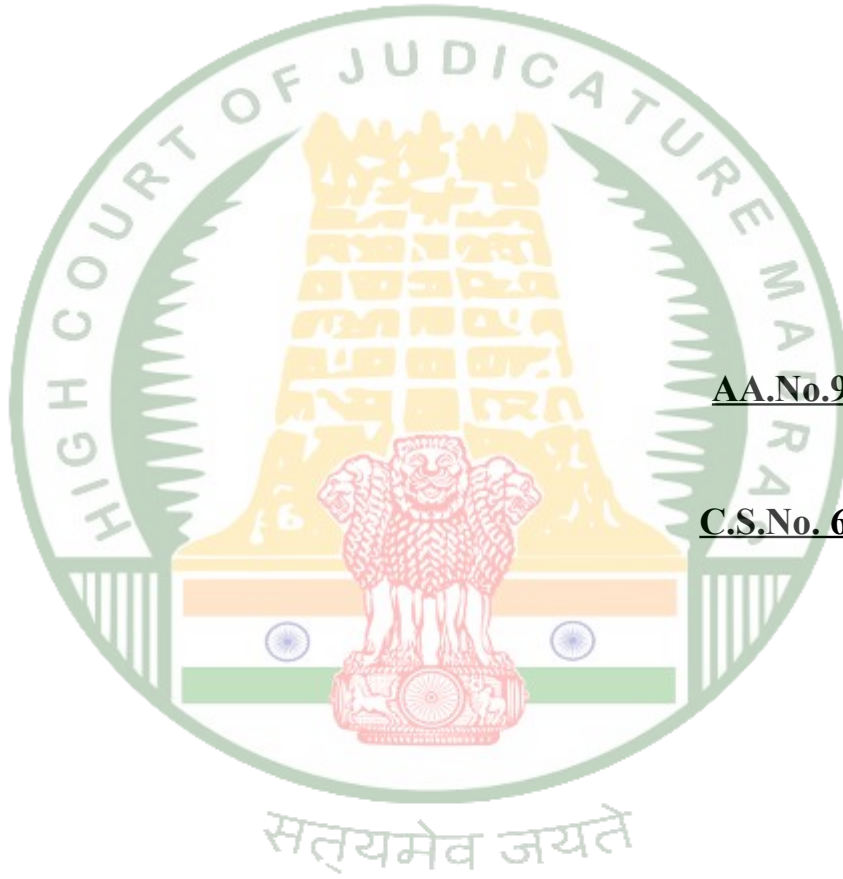


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