

A.No.2181of 2021
in
C.S(Comm. Div.) No.259 of 2019

DR.G.JAYACHANDRAN, J.

Heard the learned counsel for the applicant and the learned counsel for the respondents.

2. Being the commercial suit, after completion of pleadings, the plaintiff in fact had earlier filed a similar application to receive additional documents in respect of extract of E-Register for its trademark and the same was allowed by this Court on 22.09.2020. Subsequently, the defendants have also filed an application to receive some additional documents. The said application in A.No.2232 of 2020 was allowed on 22.09.2020. This is the third application filed by the parties to receive additional documents. In this application, the respondents/defendants have filed counter saying that all the five documents were available with the plaintiff/applicant even at the time of filing the suit and there is no plausible reason for not filing these documents along with the plaint and therefore these additional documents should not be accepted.

3. The learned counsel for the applicant/plaintiff would submit that the first document namely the e-mail correspondence related to the earlier suit filed against the British Biological and the plaintiff wants to produce these documents before the Court, since there is a reference about the previous litigation in the written statement and hence the plaintiff/applicant is entitled to produce the additional documents in the light of the Order 11 Rule 1(c)(ii). For this document Order 11 Rule 4 and 5 has no application. In so far as documents No.2 to 4 are concerned, they are all clean copies of the document which were already filed along with the plaint and document No.5 is the updated list of distribution channel of the plaintiff and hence seeks leave to file the additional documents.

4. Besides objecting the application in the light of Order 11 Rule 4 and 5 in the counter, the learned counsel for the respondents/defendants in addition would submit that the first document has no relevancy to the lis.

5. This Court, on considering the submission made by the learned counsels on either side, is inclined to allow this application partly in so far as the first document is concerned, it is permitted to file subject to relevancy, and proof. Document Nos. 2 to 4 are permitted to file since they are only the clean

copies of the documents already filed. Permission declined for Document No.5 since there is no plausible explanation on the part of the plaintiff for not filing this document along with the plaint.

6. Accordingly, the application is partly allowed.

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