



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 3RD DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.5728 of 2018

in

C.S. No.501 of 2018

63 Moons Technologies Limited,  
formerly known as Financial Technologies (India) Ltd.,  
rep. by its Authorised Signatory,  
Mr.D.John Deepak,  
having its Registered office at  
Shakti Tower-1, 7th Floor,  
Premises E, 766, Anna Salai,  
Thousand Lights, Chennai-600 002.

... Applicant/Plaintiff

-Versus-

1. M/s.Grant Thornton India LLP.,  
16th Floor, Tower-II, L-41,  
Connaught Circus, New Delhi-110 001.

2. National Spot Exchange Limited,  
B Wing, 6th Floor, Chintamani Plaza,  
Chakala, Andheri Kurla Road,  
Andheri, Mumbai-400 009. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to pass an order directing the 1<sup>st</sup> Respondent/1<sup>st</sup> defendant to produce the originals of the consent letter dated 27<sup>th</sup> September 2013 and 28<sup>th</sup> September 2013 by virtue provisions under Order XI Rule 14 of Code of Civil Procedure read



This Application coming on this day before this court for hearing, the Court made the following order:

The plaintiff in this case has filed A.No.5728 of 2018 seeking a direction to the defendants to produce two documents. The documents are; An e-mail dated 27.09.2013 and a letter dated 28.09.2013.

2. When the matter came up before this Court on 19.02.2021, this Court has recorded the statement of the defendants to effect that copies of those documents could be given to the plaintiff/appellant and was granted time till 07.04.2021 for the purpose. This Court was further informed that subsequent to that, the defendant has filed a counter in which it has contended that the letter dated 28.09.2013 has not been pleaded.

3. Today, the learned counsel for the defendants made a statement that the letter dated 28.09.2013 could not be traced by the defendants and that it may be produced as and when it is located.

4. The said statement of the learned counsel for the defendants is recorded.

5. Mr. Nithyaesh Natraj, the learned counsel for the plaintiff would allege that this is a strategy of the defendants, since the passing of the order on



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6.This Court need not remind the learned counsel for the plaintiff that this aspect can be raised during trial. The legal consequence of non production of material document, if proved to be available with the defendant can always be raised at the appropriate stage of the suit.

7.For the present, this Application is closed.

Sd./-(N.S.S.J.)  
03.08.2021

//Certified to be true copy//

Dated at Madras this the        day of        2021.

COURT OFFICER(O.S.)

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