



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 04TH DAY OF OCTOBER 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.Nos.3070 and 3071 of 2021

in

C.S.Nos.603 and 605 of 2019

A.No.3070 of 2021 in C.S.No.603 of 2019:

KALAI GNAR TV PVT. LTD.,

Represented by its Vice President (Finance) G.Rajendran,

Anna Arivalayam,

Nos.367 and 369,

Anna Salai, Chennai-600 018

..Applicant/Plaintiff

-Vs-

1. DISH TV INDIA LTD.,

Represented by its Managing Director,

Essel House, B-10,

Lawrence Road Industrial Area,

Delhi-110 035

2. PEPPERMINT PRIVATE LIMITED,

Represented by its Director, B-90/003,

Shubangan Buildings, Opp. Sarita Enclave,

Poonam Sagar, Mira Road, Thane,

Maharashtra-401 107

3. MOSER BAER INDIA PVT.LTD.

Represented by its Director,

43B, Okhla Industrial Area,

Phase III, New Delhi-110 020



4. MIRCHI MOVIES LTD.

Represented by its Director,

4th Floor, A-Wing,

Matulya Centre, Senapati Bapat Marg,

Lower Parel (West), Mumbai-400 013

5. PRAKASH RAJ

Sole Proprietor,

Duet Movies,

No.9, Balaraman Road,

Adyar, Chennai-600 020

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to permit the Applicants herein to produce the following additional documents and mark the same on the side of the Applicant/Plaintiff in the above suit.

C.S.No.605 of 2019:

1. ANJUGAM FILMS PRIVATE LIMITED,

Represented by its Authorised Signatory G.Rajendran,

Anna Arivalayam, No.367 and 369,

Anna Salai, Chennai-600 018

2. KALAI GNAR TV PRIVATE LIMITED,

Represented by its Authorised Signatory G.Rajendran,

Anna Arivalayam, No.367 and 369,

Anna Salai, Chennai-600 018

..Applicants/Plaintiffs

-Vs-

1. DISH TV INDIA LTD.,

Represented by its Managing Director,

Essel House, B-10, Lawrence Road,

Industrial Area, Delhi-110 035



2. PEPPERMINT PRIVATE LIMITED,
Represented by its Director,
B-90/003, Shubangan Building,
Opp.Sarita Enclave, Poonam Sagar,
Mira Road, Thane, Maharashtra – 401 107

3. C.JAMSHAD
Sole Proprietor M/s.The Show People,
Flat No.7, B6, Lakshmi Nagar,
1st Street, Alwarthirunagar, Chennai-600 087

4. K.S.SRINIVASAN
Director, M/s.Vasans Visual Ventures,
Old No.28, New No.10,
92nd Street, 18th Avenue,
Ashok Nagar, Chennai-600 083

..Respondents/Defendants

Applications praying that this Hon'ble Court be pleased to permit the Applicants herein to produce the following additional documents and mark the same on the side of the Applicants/Plaintiffs in the above suit.

These Applications coming on this day before this court for hearing, the court made the following order:

The plaintiffs filed these suits alleging infringement of copyright have now come out with the applications to produce additional documents. After filing the written statement, the suit has reached the stage of filing affidavit of admission and denial. The parties have already filed their admission and denial and the documents filed by other side and the suit posted for framing charges. At this juncture, these two applications are filed to receive additional documents.



3.The learned counsel appearing for the applicants/plaintiffs would submit that, no prejudice will be caused to the defendants, if these applications are allowed and for substantiating the claim of the plaintiffs, these additional documents are necessary.

4.However, the defendants have filed detailed counter stating that these three documents, which are now sought to be introduced as additional documents belatedly, are the documents dated prior to the suit. The plaintiffs have neither reserved the right to file these documents at the later point of time, nor placed any reasonable ground for not producing the documents at the earliest point of time. Under Order 11, Rule 1(iv) of the Civil Procedure Code as amended by the Commercial Courts Act, the parties should file the documents within a period of 30 days and the Court can grant leave to file additional documents, beyond the period of 30 days, provided the plaintiffs establish reasonable cause for non-disclosure of the documents and non-filing of the documents along with the plaint. In the present case, the additional documents sought to be introduced, after two years of instituting the suit, is barred by limitation and not supported by any reasonable cause. Hence, prays for dismissal of the applications.



to expedite the proceedings and to avoid unnecessary delay. Having chosen to invoke the Commercial Courts jurisdiction, the plaintiffs are bound to scrupulously follow the time line. The excuse that no prejudice will cause to the other side, is to be contemned and ignored for the simple reason that, the party, who is in possession of the documents and institute the suit, is supposed to be vigilant and place all the documents for the defendants to defend their case. Piecemeal introduction of documents, after completion of pleadings, is a tactics to deceive the defendants. Therefore, this Court, for the absence of any valid reasonable cause in the affidavit, is not inclined to entertain these applications. Hence, these applications are dismissed. No order as to costs.

Sd./-G.J.J.
04.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

jj 20/10/2021