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Application No.2916 of 2021
in C.S.No.305 of 2020

N.ANAND VENKATESH,J.,

This application has been filed seeking leave of this Court to permit the applicant/plaintiff to file eight additional documents.

2.The respondent/defendant has filed a counter affidavit opposing this application on the ground that the present application has been filed after specific stand was taken in the written statement to the effect that there is absolutely no connection between the erstwhile partnership firm and the present firm and therefore, the very registration that is relied upon will not enure to the benefit of the applicant. It is further stated that the issues have already been framed and the suit was at the stage of fixing the case management timelines and therefore, there is a delay in filing this application.

3.Heard the learned counsel for the applicant/plaintiff and the learned counsel appearing on behalf of the defendant/respondent.

4.When the matter came up for hearing on 09.09.2021, this Court on going through the documents came to a *prima facie* conclusion that the



certified copies of these documents can be easily procured and filed and that the non availability of the original documents has not been satisfactorily explained.

5. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the applicant submitted that out of the eight documents, certified copy is available for Document Nos. 1 to 3, 6 and 7. The learned counsel further submitted that insofar as the Document Nos. 4, 5 and 8 are concerned, the application is not pressed and a fresh application is going to be filed to bring in the original sample sales invoices. The learned counsel therefore submitted that this application may be allowed in terms of the submissions made.

6. In the considered view of this Court, the stand taken by the learned counsel for the applicant is reasonable. The view expressed by this Court during the previous hearing has been properly acted upon and the applicant is seeking for filing certified copies of Document Nos. 1 to 3, 6 & 7. There can be no prejudice for the respondent, if these documents are allowed to be marked subject to relevancy, admissibility and proof.



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7. In the result, this application is allowed and leave is granted to the applicant to file the certified copies of Document Nos.1 to 3, 6 & 7. Insofar as the other three documents are concerned, the same is not pressed by the learned counsel for the applicant.

17.11.2021

ssr

(1/2)



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