



A No.3787 and 3786 of 2021

in

C.S.No.651 of 2008

N.ANAND VENKATESH.,J

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These applications have been filed by the applicant / plaintiff seeking the leave of this Court to bring in eight additional documents and to permit the applicant / plaintiff to mark the photocopy of the invoice dated 03.06.2008.

2. Heard Mr.Prasanna Venkat for M/s.APR Associates, learned counsel for the applicant/plaintiff and Mr.R.Sathish Kumar, learned counsel for the respondent/defendant.

3. When the plaint was filed, the applicant had relied upon nearly six documents. Subsequently, certain documents have come into existence. The 1st and 2nd documents, viz., the certificate of renewal of license and Certificate of good manufacturing products were the once which came after the



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filing of the suit in the year 2017. That apart, additional document No.8 is an order that was passed by IPAB on 16.08.2011, based on the rectification application that was filed by the applicant against the respondent. Insofar as these three documents are concerned, there cannot be any objections and the learned counsel for respondent also did not strongly object to these three documents.

4. The counter affidavit filed in the application and the submissions made on the side of the respondent shows that strong objections are taken with regard to additional documents 3 to 7. These are the trade mark registration certificates that were given from the year 2016 to 2017, wherein the applicant had obtained these trade marks, based on the application submitted after the filing of the suit, in the year 2013 and 2014.



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5. The learned counsel for the respondent submitted that the concerned trade mark registration certificates are completely outside the scope of the suit and by bringing in these documents, the applicant is only attempting to set up a new case. If these documents are allowed, the respondent will not have an opportunity to put forth their case as against the additional documents that are sought to be relied upon.

6. In the considered view of this Court, the main objection seems to be that the additional documents are sought to be brought in even without supporting pleadings in the plaint. It is now a settled law that no amount of evidence will be taken into consideration unless it is supported by pleadings. The applicant wants to bring in these documents on the ground that certain subsequent events had taken place which resulted in these documents coming into existence and therefore, the same



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needs to be taken into consideration at the time of deciding the suit.

7. This Court is presently at the stage of granting leave to the applicant to bring in additional documents. The Additional documents are brought in only on the ground that they came into existence after the filing of the suit. How far these documents can be relied upon at the time of evidence, will depend upon the relevancy, proof and admissibility of these documents. It is not necessary for this Court to go into this question for the present while deciding the application. Permitting the applicant to bring in these documents as additional documents will not cause any prejudice to the respondent. It will always be open to the respondent to question the objectionable documents at the time of evidence.

8. Insofar the application filed for permitting the



plaintiff to mark the photo copy, this Court finds that sufficient reason has been given to mark the secondary evidence. In view of the above, this Court is inclined to allow both the applications and accordingly, the same is allowed.

22.11.2021

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