



A.No.3627 of 2021 in
C.S.No.282 of 2020

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N.ANAND VENKATESH.,J

The matter is posted under the caption for “Reporting compliance”. This Court passed an order on 06.10.2021, directing the 1st defendant to pay cost for the delay in filing the written statement. Accordingly, the cost has been paid and a compliance affidavit has been filed. The compliance is recorded.

2. Earlier, the 2nd defendant had filed the written statement. However, the written statement is not accompanied with a statement of truth, which is mandatory. Hence, there shall be a direction to the 2nd defendant to file statement of truth before the next date of hearing.

3. The case is now at the stage of admission and denial of documents. The plaintiff has filed 26 documents. The plaintiff has also sought for two documents from the defendants on the ground that they are in possession of the originals. Out of those two documents, the learned counsel for the plaintiff submitted that the plaintiff issued notice to both the defendants to furnish those documents. In the written statement filed by the 1st defendant, a stand has been taken to the effect that the 1st document that was sought for by the plaintiff is not available with the 1st



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defendant, since it has been ceased by the income tax department. Insofar as the 2nd document sought for by the plaintiff, the learned counsel for the plaintiff submitted that a copy of the document has been furnished by the 2nd defendant. Therefore, the learned counsel submitted that this document will also be relied upon at the time of marking the document.

4. The 1st defendant has filed admission and denial of documents. The admission and denial that has been filed does not anywhere indicate as to why certain documents are being denied except stating that it is not within the knowledge of the 1st defendant or that the 1st defendant was not a party to the document. These denials cannot be considered to be effective denials and it falls within the category of bare denials. Hence, all the documents filed on the side of the plaintiff should be taken as admitted. It goes without saying that these documents will be subject to relevancy, proof and admissibility. The defendants have not filed any documents and therefore, there is no occasion for the plaintiff to file an affidavit of admission and denial.

5. The learned counsel appearing on either side are directed to file their draft issues and also case management schedule during the next



date of hearing.

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6. Post this case under the caption for framing issues and for passing case management order on 08.12.2021.

19.11.2021

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