

A.No.2783 of 2020
in C.S.No.69 of 2020

C.V.KARTHIKEYAN J,

This application has been filed by the plaintiff seeking permission to file further documents as plaint documents in C.S.No.69 of 2020.

2. The documents now sought to be filed are Memorandum of Association of Supreme Overseas Exports India Limited, List of Shareholders of Sura Leathers as on 31.03.2016 and as on 31.03.2017, Audit Report of Sura Leathers Private Limited and Standalone Financial Statements of Sura Leathers for period 01.04.2016 to 31.03.2017.

3. In the affidavit filed in support of the said application, it had been stated that the suit had been filed seeking a Judgment and Decree against the second to fourth defendants to pay a sum of Rs.5,53,61,330 (Rupees Five Crores Fifty Three Lakhs Sixty One Thousand Three Hundred Thirty only) together with interest at 24% per annum on Rs.3,26,23,322/- (Rupees Three Crores Twenty Six Lakhs Twenty Three Thousand Three Hundred and Twenty Two only) from the date of the

suit till date of realization and for costs of the suit and also to lift the corporate veil of the first defendant and declare the first defendant as fraudulent entity in the hands of second to fourth defendants.

4. It had been stated that in order to prove the claim of the plaintiff, the documents now filed are required to substantiate the fact that the first defendant is actually an entity of the second to fourth defendants. It is under these circumstances, that the applicant seeks to file the Memorandum of Association of the fourth defendant and the list of the shareholders of the first defendants also the audit report and standalone financial statements of the first defendant.

5. Heard Mr.R.Vasudevan, learned counsel for the applicant who insisted that these documents may be permitted to be filed as plaint documents. Learned counsel stated that the documents were not filed along with the plaint, in view of the fact, at that particular point of time the necessity or otherwise of these documents were not visualised. Thereafter, the documents had been obtained after search in the category of Public Documents in the Ministry of Corporate Affairs.

6. Heard Mr.B.Thilak Narayanan, learned counsel for the respondent. A counter had been filed on behalf of the respondent stating that these documents are Public Documents and should have been filed along with the plaint.

7. It must also be mentioned that the deponent of the affidavit filed in support of the application and also stated that during lockdown he was held up in Gujarat and had suffered an accident and had stated that the same was also a reason as to why the document could not be presented at the initial stage.

8. Having the arguments of the learned counsels, I hold that in the interest of justice, the parties must be given an opportunity to putforth their respective cases and to substantiate their case they must be permitted to filed documents which in their opinion are relevant. Every document would certainly be tested in cross examination and could be taken on record only subject to admissibility, relevancy and proof. The admissibility, relevancy and proof can be determined only during the course of trial. Even before entering into the realm of trial, it would be highly inappropriate for the Court to reject the documents.

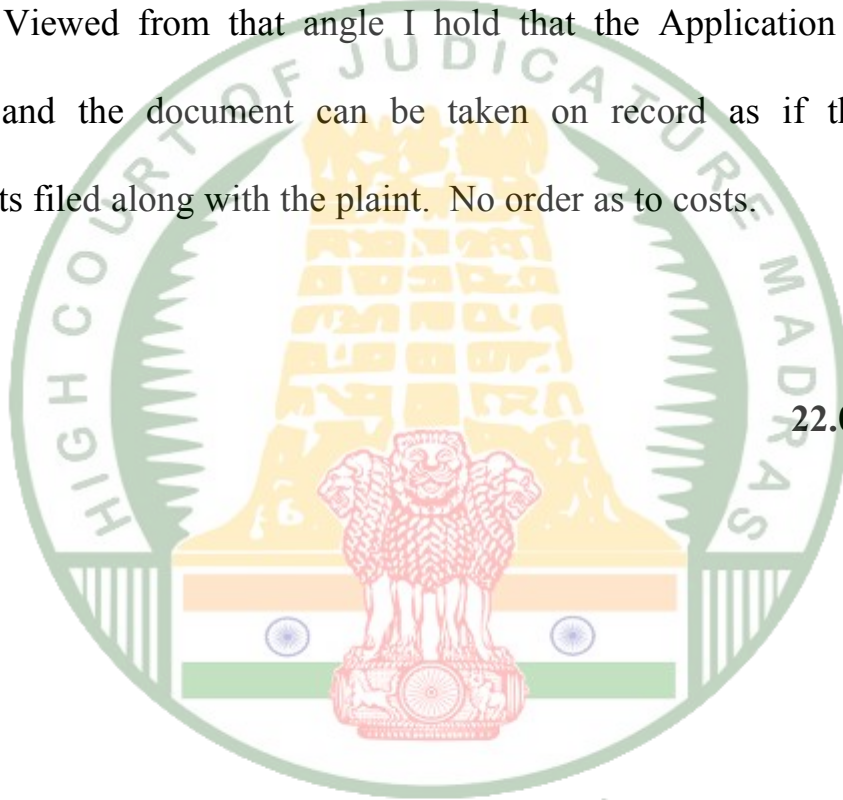
C.V.KARTHIKEYAN.J.

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9. Viewed from that angle I hold that the Application can be allowed and the document can be taken on record as if they are documents filed along with the plaint. No order as to costs.

**22.01.2021
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