

Appl. Nos.3297 & 3298 of 2021
in CS No.968 of 2000

R.SUBRAMANIAN, J.

These applications have been filed seeking to reopen the evidence of P.W.1 and to recall P.W.1 to enable the plaintiff to mark the Legal User Certificate in respect of Registration No.542604, dated 11.10.2004 and the Certificate of Renewal of Registration of the Trademark No.542604, dated 13.08.2014 as additional documents. The suit is one for infringement of the trademark of the plaintiff. The defendant remains *ex parte*. *Ex-parte* evidence was recorded by the learned Master. At that time, it was found that the Legal User Certificate and the Renewal documents were not placed before the Court. Hence, the plaintiff has come up with these applications.

The plaintiff would aver in the affidavit filed in support of these applications that the Legal User Certificate was not produced along with the suit, as the same was not traceable and only recently, the same was found. The registration happened subsequent to the suit and therefore, the same could not be filed along with the plaint. I am of the considered opinion that these reasons would constitute reasonable cause within the meaning of

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Order XI Rule 1 Sub Rule 5 of the Code of Civil Procedure, as amended by the Commercial Courts Act, 2015. Hence Application No.3298 of 2021 seeking permission to produce additional documents is allowed. As a consequence, Application No.3297 of 2021 is also allowed. P.W.1 is recalled to enable the plaintiff to mark the above two documents which have been permitted to be produced.

jv

22.09.2021

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