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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 23RD DAY OF SEPTEMBER 2021

THE HON'BLE DR.JUSTICE JAYACHANDRAN

A.No.3347 of 2021

in

C.S. 289 of 2020

Dr.Prabaharan SRS

9D, Beach Home Avenue,

2nd floor, 3rd Street,

Besant Nagar 600 090

Chennai.

..Plaintiff

Vs.

1.Vellore Institute of Technology (VIT)

Represented by its Chancellor Dr.G.Viswanathan,

Vellore-632014

Tamil Nadu, India

Also having administrative office at

New No.6, Old No.73 W,

W Block 2nd Street,

Anna Nagar,

Chennai 600 040.

2.National Institutional Ranking Framework (NIRF),

National Board of Accreditation,

Represented by its Member Secretary,

NBCC Place, East Tower, 4th Floor,

Bhisham Pitamah Marg,

Pragati Vihar,

New Delhi 110003, India.

3.National Assessment and Accreditation Council (NAAC)

P.O.Box No.1075, Nagarbhavi,

Opp. To NLSIU,

Bangalore-560072,

Karnataka, India.



Represented by its Chairman,

Bhadur Shah Zafar Marg,

New Delhi-110 002.

... Defendants

A.No.3347 of 2021

Dr.Prabakaran SRS

9D, Beach Home Avenue,

2nd floor, 3rd Street,

Besant Nagar 600 090

Chennai.

..Applicant/Plaintiff

Vs.

1.Vellore Institute of Technology (VIT)

Represented by its Chancellor Dr.G.Viswanathan,

Vellore-632014

Tamil Ndu, India.

2.National Institutional Ranking Framwork (NIRF),

National Board of Accreditation,

Represented by its Member Secretary,

NBCC Place, East Tower, 4th Floor,

Bhisham Pitamah Marg,

Pragati Vihar,

New Delhi 110003, India.

3.National Assessment and Accreditation Council (NAAC)

P.O.Box No.1075, Nagarbhavi,

Opp. To NLSIU,

Bangalore-560072,

Karnataka, India.

4.University Grants Commission (UGC)

Represented by its Chairman,

Bhadur Shah Zafar Marg,

New Delhi-110 002.

... Respondents/Defendants



Application praying that this Hon'ble Court be pleased to allow this strike off the defense application and not record the amended written statement along with two new documents filed by the Defendant No.1 in C.S.No.(Comm.Div.) 289 of 2000 and impose contemporary cost.

This Application coming on this day before this court for hearing, the court made the following orders:-

The plaintiff has taken out this application to strike off the defense and not to record the amended written statement which mentions two documents on behalf of the first defendant.

2.The grievance of the plaintiff herein is that the copy of the written statement served to them by the first defendant did not contain any list of document and therefore, accordingly they have filed their reply statement and also affidavit of admission and denial. However, on obtaining the certified copy, they find that in the written statement of the first defendant, there are two documents relied by the defendant. That being the case, the plaintiff herein is put to hardship and been mislead by the first defendant.

Hence, the schedule of list of documents found in the written statement of the first defendant has to be struck off.



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3. Learned counsel for the first defendant submitted that the copy of the written statement was served to the plaintiff before filing the same in the Registry but however, after verification, two documents were listed under statement of list of documents relied by the defendant and the copy of the same was also served to the plaintiff counsel. It is also stated by the learned counsel for the first defendant that these two documents relied by the defendant are already part of the plaintiff documents and there is no prejudice caused to the plaintiff and further, it was not an intentional act of the first defendant.

4. On hearing the learned counsels and verifying the original records, this Court finds that the first defendant has filed his written statement on 12.07.2021 in the Registry. This written statement contains tabular column listing out the documents relied by the defendant. The written statement is verified on 08.07.2021 whereas from the typedset of paper filed by the applicant/plaintiff, this Court finds that the copy of the first defendant written statement served on the plaintiff counsel on 12.07.2021 at 02.20 p.m. does not mention any documents and the tabular column is missing. It appears that after serving copy without list of documents, later the first defendant has thought fit the list of documents to be mentioned in the



written statement and filed the written statement containing the list of documents. He has omitted to serve the corrected copy of the written statement to the plaintiff counsel soon thereafter. However, on 19.08.2021, the copy of the documents and the correct written statement been served on the plaintiff counsel, but meanwhile, the plaintiff has filed his reply statement as well as the affidavit of admission and denial of documents. In the said circumstances, this Court does not find any wilful suppression or malafide intention on the part of the first defendant so as to strike off the defense as prayed in Application No.3347 of 2021. Since the plaintiff has already filed the reply statement and affidavit of admission and denial, to avoid prejudice, the plaintiff is permitted to file additional reply as well as additional affidavit of admission and denial, if any. Application No.3447 of 2020 is dismissed. No order as to costs.

Call the matter on **08.10.2021** for further proceedings.

Sd./-G.J.J
23/09/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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II 27/09/2021