



Application No.3768 of 2021
in C.S.No.269 of 2011

N.ANAND VENKATESH., J.

This application has been filed by the plaintiff seeking for leave of this Court to file six additional documents in support of their claim. This application was filed on the ground that the additional documents came into existence only after filing of the suit in the year 2011.

2.The learned counsel for the respondent/defendant submitted that he is objecting these additional documents mainly on the ground that there is a substantial delay in filing this application and that these documents are not supported by any pleadings in the plaint and that apart these documents create a new cause of action and only a fresh suit can be filed by the plaintiff based on these documents.

3.In the considered view of this Court, the law is well settled to the effect that no amount of evidence can be looked into if the same is not supported by pleadings. Therefore, this ground that has been raised by the learned counsel for the respondent/defendant will be taken into account at the time of the final disposal of the suit.

4.Insofar as the ground of delay is concerned, the documents in



question pertains to the period from 2012 to 2016 and these documents are sought to be brought in as additional documents. The suit is of the year 2011, the written statement itself has been filed only on 18.09.2020 and since the very tenability of the documents are put to question by the respondent/defendant, this Court does not want to reject this application only on the ground of delay and the main objection raised by the respondent/defendant will be taken into consideration at the time of final hearing of the suit.

5. Similarly, with regard to the ground raised by the learned counsel for the respondent/defendant that these documents will only create a fresh cause of action and it cannot not be relied upon in the present suit, the same will also be taken into consideration at the time of final disposal of the suit.

6. In view of the above, the objections raised by the learned counsel for the respondent/defendant are taken in to consideration and the same will be dealt with at the time of the final disposal of the suit and this application is allowed subject to those objections raised by the learned counsel for the respondent/defendant.



3

7. Accordingly, this application is allowed.

WEB COPY

ssr

10.11.2021

(1/2)



WEB COPY



N.ANAND VENKATESH., J.

ssr

Application No.3768 of 2021
in C.S.No.269 of 2011

10.11.2021
(1/2)