



Application No.3819 of 2021
in C.S.No.39 of 2006

N.ANAND VENKATESH,J.

This application has been filed seeking the leave of this Court to file documents on the side of the defendants.

2.Heard the learned counsel for the applicants/defendants and the learned counsel appearing on behalf of the respondent/plaintiff.

3.The suit was originally filed in the year 2006 on the ordinary original jurisdiction of this Court. The suit was transferred to the jurisdiction of the Commercial Division by an order dated 18.08.2021. Thereafter, this Court directed the suit to be posted before the learned Additional Master II for defendants' evidence. At that stage, the present application came to be filed on the side of the defendants seeking for the leave of this Court to permit the defendants to file nine documents.

4.This Court carefully considered the nature of documents that are sought to be filed on the side of the defendants. These are vital documents which cover the investigation report, final survey report and also the letter correspondence between the Surveyors and the plaintiff and the Surveyors and the defendants. It is true that the affidavit is not happily worded and the



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ssr

delay has not been properly explained. However, considering the facts that the suit has been recently transferred to the Commercial Division, this Court does not want to apply the rigors of the Commercial Courts Act in this transferred suit.

5.In view of the above discussion, this Court is inclined to grant leave to the applicants/defendants to file the documents. However, considering the delay caused in coming up with this application, this Court is inclined to impose cost on the applicants/defendants. The applicants/defendants are directed to pay cost of Rs.10,000/- to the State Legal Services Authority on or before 20.12.2021. This application is accordingly allowed.

07.12.2021

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