

A.Nos.3814, 3337 & 3339 of 2014

in

C.S.No.849 of 2014

R.SUBRAMANIAN, J.

A.No.3814 of 2014 has been filed seeking permission to produce additional documents. After hearing the counsel for some time, it was found that no issue has been framed on the main relief of the suit namely, damages. Hence, I had framed an additional issue on 16.09.2021 regarding the claim for damages. While framing the additional issue, I have observed that the evidence on record is deemed sufficient to deal with this issue also. However, the plaintiff / applicant has now come up with this application seeking to produce certain documents, which had emanated prior to the suit, which are actually receipts issued by the CMDA and the project report of the plaintiff.

2.Mr.Keerthi Kiran, learned counsel appearing for the respondent would stoutly oppose this application contending that this Court had not given liberty to the plaintiff to produce those documents. I have considered the submission made by the learned counsel appearing for the parties.

3.No doubt, I have observed that the evidence already on record is sufficient to the issue but, however when the plaintiff seeks to produce certain documents which had emanated prior to the suit and in the absence of any prejudice being caused to the defendant because of the production of these documents, I do not think that the plaintiff's request should be rejected. The averments in the affidavit would also show that the cause

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given for failure to produce the documents earlier is just and reasonable. Hence, this application is allowed, the documents are permitted to be produced, subject to proof and relevancy.

4. The evidence of P.W.1 and P.W.2 are re-opened and the suit is directed to post before the learned Additional Master - IV on 01.11.2021. Proof affidavit with reference to the new documents shall be filed by then. The learned counsel for the defendant shall file affidavit of admission / denial regarding the new documents by 06.11.2021. Proof affidavit to be filed and cross-examination of the witnesses to be completed by 12.11.2021.

5 After the evidence is completed, Registry is directed to list the suit for oral arguments on 15.11.2021.

6. In view of the above order, A.Nos.3337 & 3339 of 2021 are allowed.

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27.10.2021

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