



**Application No.4131 of 2021**  
**in C.S.No.319 of 2009**

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**N.ANAND VENKATESH,J.,**

This application has been filed by the applicant/defendant seeking leave of this Court to file nine documents to substantiate the defence of the applicant/defendant.

2.Heard the learned counsel for the applicant/defendant and the learned counsel appearing on behalf of the respondent/plaintiff.

3.It is seen from records that at least on two earlier occasions after the jurisdiction was determined by this Court, a stand was taken on the side of the applicant/defendant that they do not propose to lead any evidence in this case. This stand was recorded, when the order was passed on 22.07.2021 and 02.09.2021. Contrary to this stand, an application has been filed before this Court by the applicant/defendant to file documents which is going to be relied upon by them in evidence.

4.The suit was filed in the year 2009 and the suit was at the stage of examination of the witnesses on the side of the plaintiff. At that point of time, the present application came to be filed before this Court. The moment



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**N.ANAND VENKATESH,J.,**

ssr

the jurisdiction is determined by the commercial division, the procedure contemplated in the Commercial Courts Act will start to apply even for transferred suits. In the present case, the applicant/plaintiff took a very specific stand on two earlier occasions that the applicant is not going to adduce evidence. Having taken such a stand, the applicant cannot be allowed to come up with the present application. That apart, there has been enormous delay in filing this application for bringing in documents and the same has not been satisfactorily explained. This Court does not find any merits in the present application.

5.In the result, this application stands dismissed.

**23.11.2021**

ssr

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