



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.1288 of 2022

in

C.S.No.759 of 2018

Mahalearning Education Private Limited
Having its registered office at G1, 22/43
TP Koil Street, Triplicane,
Chennai – 600 005.
Rep by its Managing Director
Mrs.Krishnaveni Kannan

... Applicant/Plaintiff

-Vs-

1. M/s. Mahalearning Tab India
Partnership Firm having its office at
D-44/3, East of Kailash
New Delhi
Represented by its Partners
Mr. Mahesh Verma and Mrs. Deepti Verma
2. Mr. Mahesh Verma
Son of Inderjeet Verma
Residing at D44/3, East of Kailash,
Srinivaspuri Phase I,
Delhi – 110065.
3. Mrs. Deepti Verma
Wife of Mr.Mahesh Verma
Residing at D44/3, East of Kailash,
Srinivaspuri Phase I,
Delhi – 110065.



4. Maha Tab Learning India Private Limited

Having Office at
D-44, Second Floor, Sector -2,
Gautam Buddha Nagar,
Noida, Uttar Pradesh – 201 301.

5. Abbinav Chauhan

Having Office at A-26, Sector 17
Gautam Buddha Nagar,
Noida, Uttar Pradesh – 201 301.

6. Renu Chauhan,

Wife of Abhinav Chauhan
Having office at A-26, Sector 17
Gautam Buddha Nagar,
Noida, Uttar Pradesh – 201 301.

7. Avyyan Mahalearning Private Limited

Having office at A-26, Sector 17
Gautam Buddha Nagar,
Noida, Uttar Pradesh – 201 301.

8. Venkatachalapathy Educational Development Association

also called as VEDA TRUST

A Private Trust

Having office at
New No.2, Old No.7,
Indiraniammal Street,
Mylapore, Chennai – 600 004.

... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to summon the
certified copies and following records / documents in Cr.Case No.8214 of
2018, Charge Sheet No.3 and Balance Sheet of 1st Respondent firm for
2016-17 and 2017-18 pending on the file of the Hon'ble Chief Metropolitan
Magistrate, South East, District Saket Court, Delhi 110017 in the above suit.

This Application coming on this day before this court for hearing, the



court made the following order:-

WEB COPY

This application is filed to summon the certified copies of the records in Crime No.8214 of 2018 and the balance sheet of the first respondent firm for the years 2016-2017 from the file of the Chief Metropolitan Magistrate, South East, District Saket Court, Delhi-110 017.

2. In support of the present application, the applicant states that these documents were not in the power, possession, custody or control of the applicant at the time of filing the suit. The applicant states that A.No.2610 of 2021 was filed earlier for permission to produce these documents but the said application was dismissed on the erroneous premise that the said documents were available with the applicant when the suit was filed.

3. Respondents 1 to 4 have chosen not to appear in these proceedings in spite of service of notice. Respondents 5 to 7 are represented through counsel and have no objection to these documents being produced by the applicant/plaintiff. As against the order passed previously in A.No.2810 of 2021, the applicant/plaintiff filed OSA (CAD) No.160 of 2021. While dismissing the said appeal as withdrawn, the Division Bench granted leave to the applicant to seek any other remedy available under law. The present application is presented based on the leave granted by the Division Bench. Although the application is filed for summoning



application was pending. Even documents which were in the possession, power, control or custody of a suitor may be submitted subsequent to the institution of the suit, if reasonable cause is established. As regards documents which were not in the power, possession, control or custody, greater latitude is provided for production of such documents.

4. As such, a case is made out for permitting the applicant to produce these documents subject to objections *inter alia* with regard to relevance and proof. Accordingly, this application is allowed. The respondents are permitted to file the statement of admission/denial in respect thereof. List on 14.06.2022.

Sd./-SKRJ.

28/04/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK 04/07/2022