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A.No.814 of 2022

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in C.S.(Comm.Suits) No.960 of 2015

SENTHILKUMAR RAMAMOORTHY,J

This application is filed by the defendant in the suit for leave to produce the documents listed in the schedule to the Judge's summons. The applicant states that these documents could not be filed along with the written statement on account of the frequent shifting of the office of the defendant. It is also stated that these documents are relevant to the defendant's defence.

2. The respondents / plaintiffs oppose the application on the ground that the suit was instituted in the year 2015. The written statement was filed in the year 2019. After framing issues, the evidence of the plaintiff was recorded in full. Therefore, it is submitted that great prejudice would be caused to the respondents / plaintiffs if this application is allowed at this juncture.

3. Unless reasonable cause is established, applications of this nature cannot be allowed. The circumstances play a critical role in



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determining whether such application should be allowed and, if so, on what terms. The record shows that the written statement was filed in September 2019. It is not the case of the applicant / defendant that these documents were not in its possession or power when the written statement was filed. Therefore, as correctly submitted by learned counsel for the respondents / plaintiffs, if this application is allowed, at a minimum, the trial process would be protracted. Therefore, the applicant / defendant should be put on terms.

4. Consequently, this application is allowed subject to the condition that the applicant / defendant pays a sum of Rs.30,000/- (Rupees Thirty Thousand only) as costs to the respondents / plaintiffs within **two weeks** from the date of receipt of a copy of this order. In addition, the respondents / plaintiffs are permitted to raise objections *inter alia* on grounds of admissibility, relevance and proof. The respondents / plaintiffs are also permitted to file their statement of admission / denial in respect of these documents. The defendant is directed to file the proof affidavit of D.W.1 on the next date of hearing.



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5. List the matter on 25.04.2022.

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07.04.2022



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