



A.No.1430 of 2022

A.No.1430 of 2022
in C.S.(Comm.Suits) Nos.59, 632 of 2018

WEB COPY

SENTHILKUMAR RAMAMOORTHY,J

This application is filed seeking leave to file the additional documents set out in the schedule to the Judge's summons. The applicant states that these documents could not be filed with the written statement on account of oversight. It is further stated that the documents are crucial to the defence of the first defendant.

2. The respondent / plaintiff opposes this application on three grounds. The first objection is that the applicants have not established reasonable cause for producing these documents belatedly. The second objection is that these are photocopies and not originals. The third objection is on the ground that only the first applicant / first defendant filed its written statement. Consequently, the second and third applicants are not entitled to maintain this application. In response to these objections, the applicants state that an affidavit would be filed before the learned Master explaining the reasons for non production of originals. It is also stated that the second and third applicants were permitted to file



A.No.1430 of 2022

an adoption memo in respect of the written statement of the first defendant.

3. Upon considering the submissions, it should be noticed that the written statement of the first defendant was filed much earlier but taken on record only on 08.03.2022. In the connected suit, namely, C.S.No.632 of 2018, the re-presented written statement was also taken on record only on 08.03.2022. In the circumstances, keeping in mind the fact that issues were framed on 15.03.2022 and the suit is at the pre trial stage, the first applicant has made out reasonable cause. The objections with regard to non filing of originals may be taken care of by the filing of an appropriate affidavit. The objection with regard to the second and third applicants is a valid objection. Accordingly, this application is allowed on the following terms:

(i) The second and third applicants are struck off from the array of applicants.

(ii) The first applicant is permitted to produce the documents listed in the schedule to the Judge's summons subject to the objections of



A.No.1430 of 2022

the respondent / plaintiff *inter alia* with regard to admissibility, relevance and proof.

(iii) The first applicant is directed to file an appropriate affidavit setting out reasons for non production of original documents.

(iv) The respondent / plaintiff is permitted to file a statement of admission / denial in respect of these additional documents.

4. List the matter on 11.04.2022.

05.04.2022

rna



WEB COPY



A.No.1430 of 2022

SENTHILKUMAR RAMAMOORTHY,J

rna

A.No.1430 of 2022
in C.S.(Comm.Suits)
Nos.59, 632 of 2018

05.04.2022