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A.No.2130 of 2022
in C.S.No.445 of 2019

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Krishnan Ramasamy, J.,

This application has been filed by the applicant/petitioner to adduce certain additional documents, viz., video clippings which were saved in a Pen Drive.

2. Learned counsel appearing for the respondents, however, raised an objection that whatever the applicant sought to be adduced as additional documents, are pertaining to certain video clippings downloaded and saved in a Pen Drive, cannot be permitted since by virtue of this, the applicant is trying to expand the scope of the present suit itself by introducing a fresh cause of action, which has to be taken within a year and that the said video clippings are of the year 2018 and thereby, they are barred by limitation. Further, the applicant has not taken any steps to file a petition seeking amendment of the pleadings of the plaint. Therefore, the learned counsel for the respondents sought for rejection of the application.

3. Learned counsel appearing for the applicant would submit that there are pleadings in the plaint and these additional documents, viz., video clippings



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saved in Pen Drive sought to be marked only to substantiate the suit claim and in this regard, the learned counsel referred to paragraph 20 of the plaint wherein, it has been mentioned that “... *and other news and media outlets making false, scurrilous and scandalous allegations of sexual harassment against the plaintiff...*” and therefore, he would submit that when there are pleadings in the plaint and to that effect, as and when the applicant gets evidence, he can very well seek permission to adduce the same by way of additional documents and it would not change or alter the character of the plaint and as such, there is no requirement to amend the pleadings of the plaint and since the applicant is not introducing any new pleading or relief, limitation aspect would not attract and hence, the same cannot be said that it is time barred. Therefore, the learned counsel for the applicant seeks permission to adduce the additional documents.

4. Having heard the learned counsel for the parties and on perusal of the records, it appears that the applicant only intends to adduce certain documents, viz., video clippings that were downloaded which were already available, however, the applicant got the same after filing the suit. As rightly submitted by the learned counsel for the applicant, since already sufficient pleadings have been made out by the applicant/plaintiff in the plaint and to prove the same, the



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burden lies on the applicant/plaintiff and hence, the applicant/plaintiff has rightly sought for permission to adduce the said additional documents, which in the opinion of this Court, is not going to alter or change the character of the plaint. Further, the said documents can be marked subject to objection which raised by the respondent and the same can be considered at the time of adjudication of the suit including limitation aspect. Further, this Court cannot decide about the truthfulness and reliability of the documents and it is for the applicant to prove the same in the manner known to law.

5. Accordingly, this application is allowed, permitting the applicant to adduce the additional documents, however, subject to the proof and relevancy and the respondents/defendants are at liberty to agitate the same at the time of trial.

6. Post the matter before the learned Additional Master–IV, for recording evidence on 08.08.2022.

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