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A.Nos.2756 & 2757 of 2022 in C.S.No.688 of 2012

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in

C.S.No.688 of 2012

G.CHANDRASEKHARAN, J.

Application in A.No.2756 of 2022 is filed to order reception of the earlier documents 35 nos. and the present 39 nos. in evidence totally 74 documents, particularly mentioned the schedule to this Judges Summon annexed in schedule 1 in the case.

2.Application in A.No.2757 of 2022 is filed to condone the delay of 60 days in filing the affidavit of documents into this Court.

3.The learned counsel for the applicants submitted that after the issues had been framed in this case, the learned Judge gave an opportunity to both parties for filing the documents after due compliance of the procedure within a period of four weeks time. Due to unforeseen circumstances, documents could not be filed and further time was given. Therefore, these applications.



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4.In response, the learned counsel appearing for the respondents opposed both applications by stating that the documents can be received only in terms of Order VII Rule 14 C.P.C. Moreover, there is no pleadings with regard to the documents sought to be produced now. No evidence can be let in without pleadings, therefore, the applications are not maintainable. In the event of these applications being allowed, he submitted that the respondents may be given an opportunity to file the additional written statement.

5.Considered the rival submissions made on either side and perused the records.

6.It is true that the documents can be received only in terms of Order VII Rule 14 C.P.C. However, in view of the liberty granted to the plaintiffs on 04.04.2022, both parties are now empowered to file documents within a period of four weeks. There may be delay in filing the documents, but mere delay in filing the documents may not be a ground for rejecting the applications. Therefore, this Court is of the considered view that the



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applicants have to be given one more opportunity to produce the documents and the documents may be received subject to admissibility, relevancy and proof. The respondents may also be given an opportunity to file the additional written statement, if they choose to do so.

7.Accordingly, both applications are allowed.

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08.09.2022



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