



A.No.3074 of 2022

in

C.S.No.328 of 2020

C.V.KARTHIKEYAN, J.

There is no representation on behalf of the respondents. But that cannot be a reason for me to hold orders being passed in the present Application since the counter has been filed.

2.The present application has been filed seeking to produce additional documents namely, the letters exchanged between the plaintiff and the defendants. They are from the years 2008 to 2011. There are seven such documents. In the counter affidavit, the respondents / defendants had not raised any objection regarding document Nos.1, 2 and 3. With respect to the other documents namely, serial Nos.4 to 7, it had been stated that the defendants had not received the said documents and that the said documents are not genuine.

3.However, whether the documents have been issued by the plaintiff, or received by the defendants and whether the documents are genuine or not, are matters to be examined only during the course of oral evidence tendered by the parties. The defendants can very well cross - examine the witness for the plaintiff. But that would not be a reason to prevent the plaintiff from producing the documents as evidence.



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C.V.KARTHIKEYAN,J.

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4.I would therefore allow this Application and permit the documents to be marked.

5.It is made clear that merely marking of the documents as exhibits would not mean that they have been proved or that they are relevant. Those issues will have to be independently examined only on the basis of the oral evidence adduced by the parties in support of the documents.

6.The witness for the plaintiff to appear before the learned Additional Master – III on 09.11.2022 for continuation of examination in chief.

27.10.2022

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