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A.No.3387 of 2022

in

C.S. No.767 of 2011

SENTHILKUMAR RAMAMOORTHY,J

This application is presented by the 1st and 2nd defendants for permission to exhibit the documents specified in the schedule to the Judge's summons.

2. The suit is at the stage of commencement of the examination of DW1. Learned counsel for the applicant states that these documents are vital for the defence of the suit and that the foundation in pleading was laid in the written statement.

3. Learned counsel for the plaintiffs opposes this application on the ground that these documents would alter the character of the defence and that these documents were not filed earlier in spite of being in the possession of the applicants/1st and 2nd defendants.

4. Although the production of these documents is belated, some latitude should be provided to parties considering that this is a

Court of first instance, albeit subject to the condition that the defendant's



witnesses are available for examination on the dates specified in the case management schedule so that the trial can be concluded in a time bound manner. Accordingly, this application is allowed subject to the right of the plaintiffs to file an affidavit of admission /and denial in respect of these additional documents and also raise objections in course of trial *inter alia* on grounds of admissibility, relevance and proof.

5. Both parties state that an amicable resolution may be possible if the matter is referred to the Mediation Centre annexed to this Court. The parties are directed to appear before the Mediation Centre on 24.08.2022. Since the suit is of the year 2011, the mediation should be concluded as expeditiously as possible and, in any case, on or before 09.09.2022.

6. The following schedule is fixed and would take effect if the mediation is unsuccessful:

- (i) Examination of DW1 : between 12.09.2022 and 16.09.2022
- (ii) Examination of DW2 : Between 19.06.2022 and 23.09.2022
- (iii) Proof affidavit of respective witnesses shall be served on learned counsel for the plaintiffs



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at least one day prior to the commencement
of examination.

List before this Court upon receipt of the report from the
Mediation Centre.

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18.08.2022



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