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A.No.4525 of 2021
in C.S.No.74 of 2021

N.ANAND VENKATESH,J.

This application has been filed by the plaintiff to permit the plaintiff to file the original Sale Agreement dated 13.03.2013.

2.Heard the learned counsel for the applicant/plaintiff and the learned counsel appearing on behalf of the respondents/defendants.

3.This Court passed the case management order on 10.11.2021 and the trial was directed to be taken by the learned Additional Master-IV. The affidavit of evidence of PW1 and certain documents were marked as P1 to P15. When a copy of the document was sought to be marked on the side of the plaintiff, it was objected by the learned counsel for the defendants. A representation was made by the learned counsel for the plaintiff before the learned Master on 06.12.2021 to the effect that an application has been filed to receive additional document and accordingly the learned Master adjourned the case to 09.12.2021.



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4. In the meantime, the application was numbered and brought up for hearing before this Court. The application has been filed mainly on the ground that the original Sale Agreement dated 13.03.2013 which pertains to the ground and first floor of the property was left out to be mentioned in the plaint inadvertently and hence, leave has been sought for by the plaintiff to mark the original Sale Agreement dated 13.03.2013 pertaining to the ground and first floor.

5. This application has been opposed by the respondents/defendants by filing a counter affidavit. According to the respondents, when the applicant attempted to mark a photocopy of the agreement dated 13.03.2013, it was objected and hence the document was not marked by the learned Master. According to the respondents, unless the original Sale Agreement dated 13.03.2013 pertaining to the ground and first floor is marked, they will not be able to establish the ground of fabrication and forgery by comparing the same with the photocopy of the same document that was served on the defendants.



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6. In the considered view of this Court, the applicant has now come forward to file the original Sale Agreement dated 13.03.2013 pertaining to the ground and first floor. If this document is permitted to be marked along with the photocopy of the document, it will always be left open to the learned counsel for the defendants to put appropriate questions at the time of cross-examination in order to establish their defence.

7. In view of the above discussion, this application is allowed and the applicant/plaintiff is permitted to file the original Sale Agreement dated 13.03.2013 pertaining to the ground and first floor. When this document is marked, it shall be marked along with the photocopy of the document as was done when Exhibit P2 was marked. Considering the facts and circumstances of the case, there will be no order as to costs.

05.01.2022

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