



A.No.4828 of 2021

A.No.4828 of 2021
in C.S.(Comm.Suits) No.403 of 2020

WEB COPY

SENTHILKUMAR RAMAMOORTHY,J

This application is filed to receive the land valuers report as an additional document in the suit. The applicant / plaintiff filed the suit for damages estimated in a sum of Rs.5,00,00,000/- (Rupees Five Crores only) for use and occupation of the schedule property from April 2006 to February 2020. Along with the suit, the applicant / plaintiff filed 14 documents. The present application is filed on the ground that a valuation report could not be filed along with the suit on account of the fact that the applicant / plaintiff is an octogenarian with medical ailments. In addition, the Covid - 19 pandemic is cited as a ground.

2. The respondent / defendant has filed a counter affidavit. The application is resisted on several grounds, including relevance of the document in question and on the ground that the applicant / plaintiff has failed to establish reasonable cause.

3. The suit is admittedly at the pre-trial stage. As stated above, the suit is for recovery of damages for the use and occupation of the



WEB COPY



A.No.4828 of 2021

SENTHILKUMAR RAMAMOORTHY,J

rna

relevant premises by the defendant during a particular period. Therefore, it cannot be said *prima facie* that the document is not relevant. The applicant has stated that the document could not be produced at the time of filing of the suit because of the medical ailments of the applicant / plaintiff and the Covid - 19 pandemic. In the facts and circumstances, this constitutes reasonable cause. Consequently, the application is allowed subject to the objections of the respondent / defendant, *inter alia*, with regard to relevance and proof. The respondent / defendant is permitted to file a statement of admission / denial in respect of the additional document. Both parties are directed to agree upon and submit a common proposed case management schedule.

4. List the matter on 29.03.2022.

15.03.2022

rna

A.No.4828 of 2021
in C.S.(Comm.Suits) No.403 of 2020