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A.No.4873 of 2022

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in
C.S.No.176 of 2013

G. CHANDRASEKHARAN, J.

Application No.4873 of 2022 is filed for seeking permission to the applicant/plaintiff to produce the documents detailed in the application as exhibits on the side of the plaintiff.

2. The learned counsel for the applicant submitted that this suit was filed for claiming damages against the defendants. He further submitted that the documents now sought to be produced were in the custody of the Auditor and therefore, these documents could not be produced at the time of filing the suit. These documents are absolutely necessary for proving the case of the applicant.

3. The learned counsel for the respondents opposed this application on the ground that the documents are of the year 2012. The suit was filed in the year 2015. The reason stated by the applicant for non-production of these documents, at the time filing the suit cannot be accepted. This is a huge delay and therefore, this application has to be dismissed.

4. Heard the learned counsel for both sides and perused the records.



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5. It is seen that this suit is for claiming damages of Rs.10,67,11,225/- from the defendants. It is submitted by the applicants that these documents were with the custody of the Auditor and therefore, they could not be filed at the time of filing the suit. This suit is now pending for commencement of cross examination of PW1. When that being the case, this Court is of the considered view that the applicant should be given an opportunity to produce relevant documents in support of his case. In view of the above, this application is allowed, subject to admissibility, relevancy and proof of the documents to be produced.

6. Registry is directed to send the matter to the concerned learned Masters for continuation of recording evidence.

09.11.2022

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