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A.No.4907 of 2022

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in
C.S.No.424 of 2019

C.V.KARTHIKEYAN,J.,

The application has been filed seeking to take on record three documents and while taking the said documents on record, to condone the delay of 421 days in filing the said documents and also to mark them as exhibits during the trial of the suit.

2. The application has been filed by the plaintiff in the suit.

3. The suit had been filed seeking a direction against the defendant to pay a sum of Rs.16,69,93,972/- towards damages, for, according to the plaintiff, withholding from the plaintiff, original documents from the period 28.03.2018 till the date of handing over the originals on 08.07.2019. Interest at the rate of 18% per annum is also sought along with costs of the suit.

4. Written statement has been filed by the defendant and issues have also been framed. The parties had been directed to go through the trial process to establish their rival claims.



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5. Now, this present application has been filed to take on record three documents.

6. The first document is the certificate copy of Incorporation of the plaintiff's company.

7. The second document is the Extract of the Board Meeting, dated 03.06.2019, by which meeting, the Managing Director was authorized to institute the suit and to do every act, consequent to such institution of the suit.

8. The third document is dated 19.04.2019, is a letter addressed by the Chartered Accountants to the Chairman of the plaintiff enclosing the Statement of Accounts.

9. There cannot be any dispute or denial about the 1st document.

10. The circumstances surrounding the grant of authorization is a matter of evidence.

11. The 3rd document can again be tested during the course of cross examination.



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12. In view of the fact that the parties have come to the seeking a particular relief and they must be permitted to produce documents in support of the relief sought, I would condone the delay and permit the three documents to be taken on record, subject of course to advisability, relevancy and proof.

08.11.2022
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