



WEB COPY



A.No.5301 of 2022

in

C.S.No.325 of 2015

M.SUNDAR, J.,

This order will now dispose of the captioned application.

2. In this order, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. To be noted, lone defendant in the main suit has taken out the captioned application and Mr.N.A.Nissar Ahmed, learned counsel for lone defendant is before this Commercial Division.

4. Ms.Vasudha Thiagarajan, learned counsel on record for plaintiff is before this Commercial Division.

5. Captioned application has been taken out by sole defendant with a prayer for receiving six documents.

6. Before advertng to the captioned application, it is seen that the application has been taken out under Order XI Rule 1(10) of 'the Code of Civil Procedure, 1908 (Central Act V of 1908)' [hereinafter 'CPC' for the sake of convenience and clarity]. As this rule / sub-rule is an amendment to CPC brought in by 'The Commercial Courts Act, 2015 (4 of 2016)' [hereinafter 'CCA Act' for the sake of brevity, convenience and clarity], it



WEB COPY

is desirable to refer to the same as Order XI Rule 1(10) read with Section 16 in Schedule to CCA Act. Registry to take note of this in the days to come. Though plaintiff has filed counter affidavit, learned counsel for plaintiff very fairly submitted that objection is pivoted on obtaining position that the defendant has not chosen to file documents along with written statement. Learned counsel for plaintiff submits that if there is a rider that six documents sought to be received by the defendant is subject to proof, relevance and admissibility that would protect the interest of plaintiff. This is the usual rider and therefore, there is no difficulty in acceding to this request.

7. In the light of the narrative thus far, it is not necessary to be detained by facts or pleadings any further.

8. In the light of the narrative thus far, captioned application is ordered as prayed for albeit with a rider that six documents sought to be received by defendant is subject to proof, relevance and admissibility. There shall be no order as to costs.

28.11.2022
(1/2)

mk



WEB COPY



M.SUNDAR, J.,

mk

A.No.5301 of 2022
in
C.S.No.325 of 2015

28.11.2022
(1/2)