



A.Nos.4679, 4680 & 4681 of 2007 in
T.O.S.No.16 of 1989

R.N.MANJULA,J.

The application in A.No.4679 of 2007 is filed to condone the delay of 2861 days in filing the documents; A.No.4680 of 2007 is filed to receive 82 documents enlisted in the application; A.No.4681 of 2007 is filed to enhance the value of the share of Late T.V.Rajagopalan in the partnership firm at Rs.35,00,000/- (Rupees Thirty Five Lakhs only) instead of Rs.2,14,500/- (Rupees two lakhs fourteen thousand five hundred only) in the assets column 6 of the original petition at Annexure-A.

2. The plaintiff is the applicant in all the three applications. The applications in A.Nos.4679 & 4680 of 2007 have been filed to condone the delay of 2861 days in filing the documents and to receive 82 documents enlisted in the application.

3. The respondent has filed a common counter, wherein it is seen that the objection is mainly due to the inordinate delay in filing these applications. Further it is submitted by the learned counsel for the



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respondent that the documents now sought to be filed on the side of the applicant are not relevant to the applicant's case. The further objection of the respondent is that the valuation report is not specific and on the basis of the valuation report submitted by the Fraser and Ross, the applicant cannot claim the value of the suit from Rs.2,00,000/- to Rs.35,00,000/-.

4. So far as A.Nos.4679 and 4680 are concerned, I feel these applications should be allowed subject to proof and relevancy and on condition that the applicant should pay the cost of Rs.3000/- for the hardship caused to the respondent for the inordinate delay in filing the documents. Accordingly, these applications are allowed and the said cost has also been instantly paid by the plaintiff to the respondent.

5. In respect of the application in A.No.4681 of 2007, the applicant has come out with an application on the basis of the valuation report filed by the Chartered Accountant's Firm appointed by this Court to investigate the accounts. By allowing the applicant to pay the additional court fee would not amount to allow the claim to the tune of the suit value and still



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the burden would be on the applicant to prove his entitlement. Taking into consideration of the long pendency of the suit and to clear the technical lag and to enable the case to get progressed further, I feel the application in A.No.4681 of 2007 also should be allowed.

6. In the result, the applications in A.Nos.4679, 4680 and 4681 of 2007 are allowed.

7. To file the consequential amendment application in respect of the value of the suit and to pay the additional court fee, the matter is ordered to be listed on 14.06.2023.

01.06.2023

gsk

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