



A.No.632 of 2023

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in C.S.No.633 of 2019

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SENTHILKUMAR RAMAMOORTHY, J.

By this application, the defendant seeks permission to exhibit additional documents. Learned counsel for the applicant / defendant submits that the dispute relates to a construction contract between the plaintiffs and the defendant and that the additional documents sought to be produced by the defendant are construction plans. Therefore, it is stated that these documents are relevant and that great prejudice would be caused unless the defendant is permitted to exhibit these documents.

2. This application is strongly opposed by learned counsel for the plaintiffs. Learned counsel for the plaintiffs submits that the written statement was filed belatedly along with a counter claim. The said written statement was accompanied by a set of documents. Thereafter, the plaintiffs filed a written statement in response to the counter claim. Upon consideration of pleadings, issues were framed on 10.01.2023.

3. According to learned counsel, the defendant should not be permitted to file these additional documents at this juncture, and that these additional documents are not supported by pleadings. Learned counsel refers to Order VIII Rule 1A CPC to contend that these documents should not be received.

SENTHILKUMAR RAMAMOORTHY, J.



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4. Upon examining the affidavit and additional affidavit in support of this application, I find that the applicant has established reasonable cause to permit him to exhibit these documents albeit subject to the objections of the respondents / plaintiffs *inter alia* on grounds of admissibility, relevance and proof. Accordingly, this application is allowed on the terms indicated above.

5. List the matter before the learned Additional Master No.II on 22.02.2023.

09.02.2023

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