



APPLICATION NO.719 OF 2023
IN C.S.NO.469 OF 2019

APPLICATION NO.719 OF 2023
IN
C.S.NO.469 OF 2019

N.SATHISH KUMAR, J.

This application has been filed by the applicants / defendants to eschew the document which is marked as Ex-P.32.

2.It is the contention of the learned counsel for the applicants that in the plaint document, only the statement of accounts for the period between 03.10.2017 and 16.12.2017 has been shown. However, while giving evidence, statement of accounts for the period between 22.09.2017 and 02.10.2017 has been filed. The said statements have been filed without the leave of this Court and therefore, this document viz., Ex-P.32 has to be eschewed from the evidence.

3.At the outset, this Court is unable to accept the submission made by the learned counsel for the applicants. If at all any document is filed with respect to the accounts, it is well within the rights of the applicants to dispute the same by way of cross examination. As a matter of right, the



APPLICATION NO.719 OF 2023
IN C.S.NO.469 OF 2019

applicants cannot seek eschewing the document. Though separate leave has not been obtained from this Court, the fact remains that the Suit is for recovery of money. Merely because the statement of accounts from 22.09.2017 to 02.10.2017 has been filed instead of statement of accounts from 03.10.2017 to 16.12.2017, it will not change the character of the documents. What is relevant is to see the nature of the transactions in the documents.

4.In such view of the matter, I do not find any merit in the application to eschew the document which is marked as Ex-P.32. If cross examination is not done in respect of those entries, the applicants are entitled to cross examination, in respect of the document which is marked as Ex-P.32.

5.With the above observation, this application is dismissed.



APPLICATION NO.719 OF 2023
IN C.S.NO.469 OF 2019

6.Post the Civil Suit before the Additional Master – II on
31.10.2023 for recording evidences on all sides and the recording of the same
shall be completed within a period of two weeks thereafter.

11.10.2023

TK



WEB COPY



APPLICATION NO.719 OF 2023
IN C.S.NO.469 OF 2019

N.SATHISH KUMAR, J.

TK

APPLICATION NO.719 OF 2023
IN
C.S.NO.469 OF 2019

11.10.2023