



A.No.911 of 2023 in
C.S.No.759 of 2018

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C.SARAVANAN, J.

The defendants have forfeited their right to file written statement. It is at this stage, the applicant/plaintiff has filed this application for substituting Ex.P6 with the Memorandum of Understanding, dated 05.05.2015. The applicant / plaintiff has wrongly stitched the photo copy of Ex.P5, a copy of Agreement entered into between the plaintiff and the defendants 1 and 2 as Ex.P6.

2. The learned counsel for the applicant/plaintiff submits that Ex.P6 is Memorandum of Understanding dated 05.05.2015 executed between Maha learning Education Pvt Ltd., and Maha learning Tab India. However, by over sight, while filing the suit, the photo copy of Ex.P5 was stitched along as Ex.P6.

3. The applicant has also drawn the attention of this Court to Ex.P26 which is a copy of FIR filed before the Economic offences Wing on 06.02.2018 vide FIR No.24 of 2018 along with the typed set of documents filed before the Delhi High Court in CrI.M.C.No.3149 of 2018 wherein the petitioners namely K.Krishnaveni Kannan, P.Selvaraj and Vardhaman have filed the very same document as Annexure III which is marked as Ex.P6.



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4. Though the learned counsel for the respondents would raise objection and would submit that they would like to file a counter, in my view, no useful purpose will be served for adjourning the case for filing counter, because, the document which is sought to be substituted, forming part of the schedule of documents in the plaint and the said document also finds a mention as an Annexure III in Ex.P26. In this circumstance, this application deserves to be allowed. Accordingly, the same is allowed.

5. The case is directed to be listed on 27.02.2023 before the learned Additional Master II for substituting the aforesaid document i.e., photocopy of Memorandum of Understanding, dated 05.05.2015 for being marked as Ex.P6 subject to admissibility, proof and relevancy. It is open to the defendants/respondents to raise their objections in accordance with law. After marking of the aforesaid document, the Registry is directed to list the case before this Court on 09.03.2023 for further orders.

16.02.2023

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