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A.Nos.1081 to 1083
in C.S.No.270 of 2019

A.Nos.1081, 1082 and 1083 of 2023
in C.S.No.270 of 2019
(Comm.Suits)

S.SOUNTHAR, J.

These applications are filed by the applicant/defendant seeking leave of the Court to reopen the evidence of DW.1, to recall DW.1 and to file additional documents.

2. In the affidavit filed in support of these applications, it was stated by the applicant that these documents were not available with the applicant at the time of examination of DW.1. Now, after much efforts by the applicant, the originals of the documents now sought to be produced are traced out and consequently, these applications are filed seeking reopening of the evidence. It is also asserted by the applicant that these documents are very much relevant to support the case of the applicant/defendant in the main suit.

3. The respondent/plaintiff filed a counter affidavit and objected the applications on the ground that these applications have been filed nearly after five months from the date on which the trial was completed. It is also stated by the respondent in his counter affidavit that the applicant attempted to mark the xerox copies of the Documents 6 to 15 that was produced before this Court at the time of examination of DW.1 and on objection



by the respondent, the same were not marked. It was also stated by the respondent that these applications are filed only to protract the proceedings and there is no *bona fides* in the reasons given by the applicant in support of these applications.

4. It is seen from the records that the examination of DW.1 was closed on 15.09.2022. Thereafter, the matter was posted before this Court on 08.02.2023 and the present applications were filed by the applicant on 20.02.2023. It is asserted by the applicant in his affidavit that the documents now sought to be produced were not available to him at the time of examination of DW1. It also appears that the xerox copies of some of the documents produced now were attempted to be marked through DW.1 when he was in witness box. However, on objection by the respondent, the marking of xerox copies were disallowed by the Master. It is stated by the applicant in the affidavit filed in support of these applications that he is able to get the original documents now only after much effort. According to the applicant, the Document No.1 produced by the applicant is nothing but a Legal Notice issued by the respondent to the applicant. The Document No.2 is the Legal Use Certificate issued by the Trade Mark Registry. The Document No.3 is the Computer Generated Purchase Bills of the defendant-company from 2015 to 2022. The Document Nos.6 to 15 are original invoices. It is also asserted by the applicant that these documents are necessary to prove his case before the Court.



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5. Having satisfied with the reasons stated in the affidavit filed in support of these applications, A.Nos.1081, 1082 and 1083 of 2023 are allowed.

6. List the suit in C.S.No.270 of 2019 on 10.04.2023 for filing statement of admission and denial by the respondent in respect of 15 documents produced by the applicants before this Court.

24.03.2023

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