



A.No.1580 of 2023 in
C.S.No.252 of 2014

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R.N.MANJULA,J.

The applicants who are the defendants have filed this application, seeking permission to produce certain documents on the side of the defendants.

2. The learned counsel for the applicants submitted that the matter is at the part heard stage where the plaintiff side evidence has been closed recently. The documents that are sought to be produced are relevant to the defence of the defendants and hence opportunity should be given in the interest of justice.

3. The learned counsel for the respondent/plaintiff submitted that there is no objection with regard to the documents 1 to 3 out of the listed documents totalling to 7 in number. However, with regard to document Nos.4 to 7, there is no pleading in the written statement and hence those documents are not relevant to the defence raised by the defendants; the plaintiff side witnesses have been examined and hence the plaintiff cannot get the opportunity showing these documents to the plaintiff witnesses and get their statement about the same; despite the written statement has been filed in the year 2015,

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the petition has been filed after several years without any acceptable reason for the delay caused.

4. The applicants/defendants did not state any reason for the delay in procuring all those documents to be produced as evidence on their side. However it appears that the documents that are sought to be produced are magazines and Articles published in the magazines etc., The proof and relevancy can be decided only at the time of marking of documents and now the stage is just to receive the documents on the side of the defendants. Since the Magazines are old, that might be the reason for not producing them at the relevant point of time. Since the recording of evidence is not yet been completed and the defendants are yet to enter into the box, I feel in the interest of justice, this petition can be allowed.

5. In the result, this petition is allowed. The documents are permitted to be received subject to proof and relevancy.

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21.03.2023

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