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CRP No.3352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No.3352 of 2023
& CMP No.20831 of 2023

M/s. Sky Marine Products Pvt. Ltd.,
Rep. by its Director,
Mr.Thiagarajan Thiruneelakandan,
No.7, Amirtham Avenue, Barani Street,
Velachery, Chennai – 600 042. ...Petitioner/Plaintiff

Vs.

E.P.Thirumalai ...Respondent/Defendant

PRAYER : Civil Revision Petition filed under Section 227 of the Constitution of India, against the order dated 17.08.2023 passed in I.A.No.3 of 2023 in O.S.No.1374 of 2023 on the file of the learned IV Additional City Civil Court, Chennai.

For Petitioner : Mr.S.Diwakar

For Respondent : Mr.P.B.Sampath Kumar &
Mr.G.Madhan Raj



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ORDER

Challenging the order dated 17.08.2023 passed in I.A.No.3 of 2023 in O.S.No.1374 of 2023 on the file of the learned IV Additional City Civil Court, Chennai, this civil revision petition has been filed.

2. The learned counsel for the petitioner submits that before the trial court, they filed a suit in O.S.No.1374 of 2023 against the defendant for recovery of money. The defendant also appeared and submitted a detailed written statement. Thereafter, trial was commenced and the plaintiff's side witness was closed and posted for defendant side witness. The defendant filed an application under Order VIII Rule 3 of CPC in I.A.N.3 of 2023 to receive the ten documents on his side stating that he was very busy with his professional commitments which was led to the alleged delay in filing the documents along with the written statement. The said application was strongly objected by the plaintiff stating that the reason assigned to receive the additional document is not acceptable and he ought to be filed along with the written statement. Therefore, he raised objection before the trial court. On considering both the submissions, the trial court held that the



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defendant is entitled to file the documents under order VIII Rule 1A(3) as laid down by the Hon'ble Supreme Court in the case of Sugandhi (Dead) by L.Rs. and Ors. reported in MANU/SC/0792/2020. Accordingly, the trial court allowed the application as the plaintiff has not shown any cause to prove that he would put into prejudice in any way if the petition is allowed. Aggrieved over the same, now the plaintiff preferred this revision.

3. Learned counsel for the petitioner/plaintiff submits that though the defendant is entitled to produce the additional documents, he must assign the valuable reason in the affidavit filed by him, as to why he was not able to to produce the documents along with his written statement.

4. Admittedly, the reason assigned by the respondent/defendant that he was very busy with his professional commitments is not acceptable because he has to file the documents along with his written statement. However, now the case is posted for defendant's witness. Since the evidence has not been closed on the side of the defendnat, he is entitled to file additional documents.



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5. Therefore, the reason assigned by the trial court is just and acceptable and the plaintiff is entitled to raise objection in respect of the validity of the document during the trial proceedings. Accordingly, the Civil Revision Petition is dismissed. The trial court is directed to complete the trial as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

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To

The IV Additional City Civil Court, Chennai.



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T.V.THAMILSELVI,J.

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