A.Nos.5551, 1932 of 2022
in C.S.No.639 of 2019

SENTHILKUMAR RAMAMOORTHY, J.

The defendant filed A.No.1932 of 2022 to call upon the plaintiff to produce the documents listed in paragraph 7 of the affidavit in support of the application. Pursuant thereto, the plaintiff has filed A.No.5551 of 2022 for leave to produce the six documents listed in the Judge's summons.

2. Learned counsel for the defendant opposes the application filed by the plaintiff on the ground that the plaintiff has not produced most of the documents that the defendant called for in the earlier application. Even with regard to the Income Tax Returns of the plaintiff, it is stated that the annexures thereto were not filed.

3. On comparing the list of documents called for by the defendant in A.No.1932 of 2022 with the documents sought to be produced by the plaintiff, it appears that only two documents are common, namely the Income Tax Returns of the plaintiff for the financial years 2016-17 and 2017-18. As regards the other documents, the plaintiff states that these documents are unavailable at present.

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4. The suit is at the stage of cross examination of P.W.1. Since these documents have been produced pursuant to the application filed by the defendant, reasonable cause is established to permit the plaintiff to produce these documents albeit subject to objections on the ground of admissibility, relevance and proof. Accordingly, A.No.5551 of 2022 is allowed by permitting the plaintiff to file the documents listed in the Judge's summons on the above terms. As a consequence, nothing further survives for consideration in A.No.1932 of 2022, which is closed.

5. List the matter before the learned Additional Master No.III on 07.02.2023 for recording further evidence.

31.01.2023

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