



WEB COPY



A.No.5628 of 2023

Application No.5628 of 2023
in
C.S.No.894 of 2005

ABDUL QUDDHOSE, J.

This application has been filed by the applicant/first defendant seeking for reception of additional documents, which are disclosed in this application.

2. A counter affidavit has been filed by the respondents/plaintiffs stating that the application has been filed belatedly. The trial in the suit has already been commenced. The plaintiffs' witnesses have already been examined and their evidence is also closed.

3. As seen from the counter affidavit filed by the respondents/plaintiffs, they contend that the present application filed by the respondents/plaintiffs is only to protract the trial. According to them, the documents, which the applicant/first defendant seeks to be received by this Court by way of additional documents, were very much available earlier, but, belatedly, the present application has been filed only to drag on the proceedings.



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4. However, the same is disputed by the learned counsel for the applicant/first defendant, who would submit that the applicant/first defendant has to apply for the certified copies of the orders of the Hon'ble Supreme Court, which are sought to be filed by way of additional documents, and only due to the said reason, there has been some delay.

5. Admittedly, the trial in the suit has already been commenced. No useful purpose would be served if this Court dismisses the application filed by the applicant based on the contentions raised by the respondents/plaintiffs. At any stage of the proceedings, the present application can be filed, though sufficient cause will have to be shown by the applicant for reception of additional documents. Therefore, considering the fact that the trial has already been commenced and the orders of the Hon'ble Supreme Court, which the applicant/first defendant seeks to produce, are of the years 2022 and 2023, this Court is of the considered view that this application can be allowed, subject to its admission, proof and relevancy.



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6. For the foregoing reasons, this application is allowed as prayed

for and the documents disclosed in the Judges Summons to this application are allowed to be received, subject to its admission, proof and relevance.

7. The learned counsel for the respondents/plaintiffs has already filed a revised case management schedule and a copy of the same is also served on the learned counsel for the applicant/first defendant, who seeks time to get instructions with regard to the dates from his client and report to this Court on the next hearing date.

Post the matter on 03.11.2023.

31.10.2023

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31.10.2023