



A.Nos.5698 to 5700 of 2023
in C.S. (Comm.Div.) No.108 of 2022

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ABDUL QUDDHOSE,J.

A.No.5698 of 2023 has been filed for reception of additional documents, disclosed in the said application.

A.No.5699 of 2023 has been filed to recall P.W.1.

A.No.5700 of 2023 has been filed to reopen the evidence of P.W.1 in the above suit.

2.A.Nos.5699 and 5700 of 2023 are filed consequential to A.No.5698 of 2023. The applicant is the plaintiff in all these three applications. The applicant/plaintiff has filed survey reports along with the plaint. As seen from the affidavits, the supporting annexures along with the survey reports were inadvertently not filed along with the plaint. The annexures are documents 1 to 16, disclosed in A.No.5698 of 2023.

3.The trial has already been commenced. An objection has been raised by the respondent/defendant for the reception of the additional documents. As seen from the counter affidavit, eventhough the documents sought to be received were



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very much available, they were not filed by the applicant/plaintiff along with the plaint at the time of filing of the suit. According to the respondent/defendant, only to drag on the proceedings, the present applications have been filed.

4.The suit claim is an insurance claim. The applicant/plaintiff is aggrieved by the rejection of the insurance claim made by them with the respondent/defendant under an insurance policy. The applicant/plaintiff categorically contends that the documents sought to be received are only supporting annexures, which form part of the survey reports, which have already been filed along with the plaint.

5.While that be so, this Court is of the considered view that no prejudice would be caused if the documents sought to be received, which are disclosed in A.No.5698 of 2023, are allowed to be received and marked as exhibits, subject to its admission, proof and relevancy.

6.The respondent/defendant has raised objections with regard to the delay in filing these applications. The said objections are rejected by this Court in view of the categorical assertion made by the applicant/plaintiff that the documents sought to be received are only annexures, omitted to be filed by the applicant/plaintiff



along with the plaint. Since reasonable cause has been shown by the applicant/plaintiff for reception of additional documents, A.No.5698 of 2023 has to be allowed as prayed for and the documents are allowed to be received, subject to its admission, proof and relevancy. Consequently, connected A.Nos.5699 and 5700 of 2023, which have been filed to recall P.W1 and to reopen P.W.1 respectively have to be allowed.

7.For the foregoing reasons, A.No.5698 of 2023 is allowed as prayed for by permitting reception of documents 1 to 16, disclosed in the said application as additional documents filed on behalf of the plaintiff and the said documents are allowed to be marked as exhibits, subject to its admission, proof and relevancy. Consequently, A.Nos.5699 and 5700 of 2023 are allowed as prayed for.

8.Post the matter before the learned Additional Master II for recording evidence. Both the counsels are directed to file their affidavit of admission/denial of documents on 09.01.2024.

18.12.2023

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