A.Nos.1646 & 2257 of 2024
in
C.S.No.190 of 2022

C.V.KARTHIKEYAN, J.

These Applications have been filed seeking to condone the delay of 43 days in filing the document and to condone the delay of 107 days in filing yet another document, which is Certificate under Section 65B of the Indian Evidence Act, 1872.

2.In the affidavit filed in support of A.No 1646 of 2024, it had been stated by the applicant / defendant that these documents have been filed only to project the situation, which was as prevalent in the plaint. It had also been stated that the applicant seeks to rely on these documents as part of evidence.

3.A counter affidavit had been filed questioning locus and also the facts that these documents had not been filed along with the written statement. It had been stated that issues have been framed and two weeks time was granted for filing all the documents and the applicant herein had not filed the documents within the stipulated period of time. It had also been stated that the plaintiff had filed proof affidavit and at that time, these documents have now been filed.

C.V.KARTHIKEYAN,J.

smv

4.The applicant may kept in mind that an order of injunction is acting against the applicant and it would be to his advantage that he complies with the said order of injunction and does not aggravate the situation any further.

5.The documents relating to the issues raised in the plaint alone would be relevant and those of these documents which are not relevant cannot be produced as evidence. Placing that caveat, these Applications stand allowed. The delays are condoned in both these Applications and documents are taken on record. The documents should not only be relevant, but it should be admissible and proved in manner known to law. If any of the documents are found not relevant or impermissible or not proved in manner known to law, the learned Additional Master – I, may refuse to mark the said documents. By condoning the delay, the Court has not passed any observation on either the admissibility or proof or relevancy of these documents.

04.07.2024

smv

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