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A.No.2107 of 2024
in
C.S. (Comm.Div.) No. 239 of 2023

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P.VELMURUGAN, J.

Pending suit, this application has been filed to grant permission to file the following additional documents to support the civil suit in C.S. (Comm.Div) No.239 of 2023 along with Judges Summon which has already been filed :

Additional Documents

Sl.No.	Date	Description	Page No.
1.	05.09.1997	Article of Agreement	1-8
2.	15.07.2021	Letter of Arrangement	9-10
3.	04.01.2023	Public Notice published in Makkal Kural	11
4.	08.11.2023	Proof of Proprietorship of M/s.Saraswathi Films issued by Tamil Film Producers Council	12
5.	14.11.2023	Proof of Proprietorship of M/s.Saraswathi Films issued by the South Indian Film Chamber of Commerce	13



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2. Learned counsel for the applicant/plaintiff submitted that at the time of filing the suit, inadvertently, the plaintiff has not filed the above additional documents along with the documents which were already filed in the plaint. Learned counsel further submitted that the above said documents are just and necessary to prove the case of the plaintiff.

3. It is seen that the suit was filed on 13.10.2023, whereas the present application is filed on 12.04.2024. As per Order XI Rule 1-(1) (a) of the amended Code of Civil Procedure, all the documents have to be filed along with the plaint itself. In case of failure to file those documents, the same shall be filed within 30 days and beyond 30 days, it is not permissible. However, there is an exemption under Order XI Rule 1-(1) (c) of the amended Code of Civil Procedure.

4. It is seen from the affidavit that the plaintiff does not disclose any reason for non-filing of the documents, except mentioning the word 'inadvertently'.



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5. This Court is not satisfied with the reasons stated in the affidavit filed in support of this application, as the reason for the application does not fall under Order XI Rule 1-(1) (c) (ii) of the amended Code of Civil Procedure and it falls under Order XI Rule 1-(1) (b) of the amended Code of Civil Procedure. Therefore, this application is dismissed.

6. Both the counsel are directed to file affidavit of admission/denial of documents and also draft issues if any, on or before 06.06.2024 in the Registry.

List the suit on 07.06.2024.

15.04.2024

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