A.No.2704 of 2024
in C.S.(COMM.DIV.)No.179 of 2023

K,KUMARESH BABU,J.

The present application has been filed seeking permission of this Court to file additional documents as listed to the Judges Summons to the application.

2. Heard Mr.G.K.R.Pandian, learned counsel for the applicant and Ms.R.Sudha, learned counsel for the respondent.

3. The learned counsel for the applicant would contend that to substantiate the assailing statements made by the respondent in its written statement, it had become a necessity to rely upon the documents listed in the Judges summons to be produced as additional documents. Therefore, he would submit that if the same is refused, it would lead to a situation where the plaintiff would be put to irreparable loss. He would further submit that the respondent/defendant herein had stepped into the shoes of the Adavan Enterprises and these payments were made on behalf of the said Adavan Enterprises which belongs to the respondent/defendant. Hence, he would seek permission of this Court to receive the additional documents.

4. Ms.R.Sudha, learned counsel appearing on behalf of the respondent

on the other hand would contend that the documents do not relate to the claim made by the applicant/plaintiff. He would further submit that the documents were all available at the time of the filing of the suit and therefore, he would submit that the documents has no relevancy in the present dispute. Hence, he would pray this Court to dismiss the application as being without any merits.

5. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. It is the case of the applicant that the plaintiff has sold the super market that he had been running in the name of the Annamalai Super Market to the defendant who has also been running a shop in the name of the Annamalai Enterprises. The documents that are sought to be received as additional documents are the GST returns as Annamalai Traders who had made the payment on behalf of the Adavan Enterprises. The respondent has also admitted in his written statement that he has purchased the supermarket run by the applicant/plaintiff.

7. The respondent/ defendant had infact pleaded in his written

statement that the GST payments were made by the respondent/defendant to the applicant/plaintiff to be paid in the name of Annamalai Traders.

8. In view of the admitted factual position in the written statement, I am inclined to allow this application, however, subject to the proof and relevancy.

9. In fine, the application is ordered as prayed for.

Gba

22.10.2024

Index: Yes/ No
Speaking order/ Non-Speaking order

K,KUMARESH BABU,J.

Gba

A.No.2704 of 2024
in C.S.(COMM.DIV.)No.179 of 2023

22.10.2024