(TM) A.No.65 of 2024
in (T) OP (TM) No.278 of 2023

Reserved on: 24.07.2024	Pronounced on: 26.07.2024

P.B.BALAJI, J.

This is an application taken out by the 1st respondent in the Original Petition seeking to produce additional documents on his side.

2.I have heard Mr. A. Swaminathan, counsel for the applicant and Ms.Shruti Srinivasan for Mr.Arun C.Mohan, counsel for the 1st respondent and Mr.K.Subbu Ranga Bharathi, counsel for the 2nd respondent.

3.The learned counsel for the applicant would submit that the documents now sought to be produced as additional documents are only i) the original of the Registration Certificate issued by the Commercial Tax Authorities in Form D1, certificate and ii) the Permanent Certificate for registration of the Small Scale Industrial unit.

4.The learned counsel for the applicant would submit that insofar as the Commercial Tax Registration Certificate a copy has already been filed. As the original was not traceable then and now since the original document is traced after search, the same is sought to be produced. Insofar as the Permanent Registration Certificate, he would submit that due to change of office and factory address, the original Registration Certificate was not traceable then and however, since now the applicant has been able to locate the same, it is also sought to be produced.

5.Per contra, Ms.Shruti Srinivasan, learned counsel for the 1st respondent, while reiterating the avarements set out in the counter statement filed by the 1st respondent/petitioner, would submit that the additional documents sought to be produced are of the year 1974 and 1976. Therefore, the 1st respondent ought to have filed these documents along with the counter and cannot introduce them belatedly. She would further submit that the non-production of the documents at an earlier point of time, namely along with the counter is also not satisfactorily explained in the affidavit. Hence, she would pray for dismissal of the application.

6.I have considered the rival submissions advanced by the learned counsel on either side.

7.Considering the fact that the Original Petition is in the stage of the respondent's evidence, I do not see any serious prejudice being caused to the 1st respondent/petitioner if the said two additional documents are received. In fact, as rightly pointed out by the counsel for the applicant, the first document is only the original Registration Certificate of Annexure R1, which has already been filed along with the counter statement.

8.Even insofar as the Permanent Certificate for registration, it is a statutory document and therefore, there is absolutely no legal impediment to receive this document at trial. Moreover, in the application, the defendant has stated that the documents were not traceable earlier and the same was due to change of office and factory address which is acceptable. I do not see any hardship being caused as claimed by the 1st respondent in permitting these two documents being received.

9.It is also brought to my notice by the learned counsel for the applicant that the Registration Certificates in original have to be displayed at the factory premises and therefore, they cannot be marked as exhibits. He would further undertake that the originals will be produced for comparison with photostat copies and the photostat copies can be marked.

10.In fine, the application is allowed. The additional documents are permitted to be received in evidence on the side of the applicant, subject to admissibility, proof and relevancy. It is also made clear that the Registration Certificates shall be produced in original and on comparison and satisfaction of the learned additional master, verified photostat copies shall be marked. However, it is also made clear that the applicant shall produce the originals of these certificates as and when required by this Court, at any later stage of the proceedings.

26.07.2024

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