



A.No.3445 of 2024

in

C.S.No.564 of 2015

P.VELMURUGAN, J.,

This application has been filed by the applicant/plaintiff to permit the applicant/plaintiff to file additional documents and consequently to receive the same.

2. The applicant herein has filed the suit in C.S.No.564 of 2015 for specific performance in the year 2015. Pending suit, the applicant/plaintiff had filed the application in A.No.2481 of 2024 to amend the plaint and the same was allowed by this Court vide order dated 10.06.2024. Thereafter, the applicant/plaintiff had also filed the amended copy of the plaint on 21.06.2024. Based on the amended plaint and the written statement filed by the parties, additional issues were also framed by this Court, vide order dated 25.06.2024 and this Court directed both the parties to file proof affidavit of their respective witnesses along with case management schedule by 09.07.2024 and posted the matter today ie., on 11.07.2024. Now, the applicant/plaintiff has come up with the present application.



3. As per amended C.P.C., (Commercial Court Act), it is mandatory on the part of the plaintiff to file all the relevant documents along with the plaint itself. If the plaintiff fails to file the relevant documents and if he is not satisfied Order VIII Rule 2(ii) of amended C.P.C., (Commercial Court Act), he will not be entitled to file the additional documents thereafter.

4. In the same way, if an application to amend the plaint is filed by the applicant/plaintiff and based on the particulars, the plaintiff/applicant who seeks amendment of plaint has to file the list of documents to support his claim. In this case, the applicant did not file any document, at the time of filing the application for amending the plaint in A.No.2481 of 2024. The said application to amend the plaint by the applicant/plaintiff was filed on 29.04.2024 and this Court allowed the said application on 10.06.2024. Though the applicant/plaintiff had filed the amended copy of the plaint on 21.06.2024 itself, he had not chosen to file any document along with the amended copy of the plaint.

5. Further, on a perusal of the documents annexed with this application, it seen that that those documents are of the year 2023 and the same were existing even prior to filing of the application for amendment of plaint. Further



the applicant has not satisfied Order VIII Rule 2(ii) C.P.C., and also the reasons stated in the accompanying affidavit filed in support of the application are not satisfied as to why he has not filed the additional documents either along with the application to amend the plaint or with the amended plaint.

6. In view of the above, the application is dismissed.

11.07.2024

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