



**A.Nos.4101 to 4103 of 2024 in C.S.No.566 of 2015 &
T.R.C.S.Nos.656 & 657 of 2018**

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SENTHILKUMAR RAMAMOORTHY,J

By these applications, the applicant/plaintiff seeks to reopen the plaintiff's evidence, recall P.W.1 and bring on record the documents listed in the schedule to the Judge's summons. The suit is at the stage of filing written arguments and evidence was closed on 26.03.2024.

2. Learned counsel for the applicant/plaintiff submits that the production of these documents was necessitated on account of the marking of a different version of the plaint in C.S.No.848 of 2000 as Ex.D1 and by the contradictory answers provided by D.W.1. By referring to the cross-examination of D.W.1, he points out that D.W.1 denied the suggestion that C.S.No.848 of 2000 was conducted by such defendant on behalf of the 2nd defendant firm. He further submits that the applicant had to apply for certified copies of these documents and file the application after obtaining such certified copies.

3. Learned counsel for the respondents/defendants opposes these



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applications on multiple grounds. As regards the plaint in C.S.No.848 of 2000, it is contended that Ex.D1 matches the copy of the plaint proposed to be filed by the plaintiff. By referring to the written statement, learned counsel submits that D.W.1 did not contradict the position taken in the written statement with regard to the conduct of the affairs of the 2nd defendant firm. She further submits that these applications have been filed belatedly not only with reference to the date of conclusion of evidence but also with reference to the date when the plaintiff obtained certified copies of documents proposed to be filed. She also points out that the defendants filed written arguments in April 2024.

4. The documents on record include the written arguments filed by the defendants in April 2024. The deposition of D.W.1 was recorded between 12.03.2024 and 26.03.2024. It is clear from the certified copies sought to be filed by the plaintiff that these documents were obtained in May 2024. The present applications have been filed in August 2024. Given the stage of proceedings and the delay in filing these applications, it is necessary that the plaintiff be put on terms if these applications are to be allowed.



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5. As regards the plaint in C.S.No.848 of 2000, both the certified copy marked by the defendants as Ex.D2 and the copy submitted by the applicant are identical. Therefore, it is unnecessary to grant permission with regard to this document. The primary contention of learned counsel for the plaintiff is that it has become necessary to place the other documents (listed as serial nos.2 to 4 in the Judge's summons) on record in view of the answers of D.W.1 in cross-examination especially with regard to the affairs of the 2nd defendant firm, including the litigation relating thereto. Upon examining the deposition of D.W.1, it cannot be concluded at this juncture that these documents may not have a bearing on the conduct of the suit. Therefore, subject to terms, reasonable cause is established.

6. Hence, these applications are allowed on the following terms:

(i) The applicant/plaintiff shall pay costs of Rs.40,000/- (Rupees Forty thousand only) to the defendants within two weeks;

(ii) Subject to the above condition, permission is granted with regard to documents listed as serial nos.2 to 4 in the schedule to the Judge's



summons.

WEB COPY (iii) The defendants are permitted to file the affidavit of admission/denial in respect of these documents on or before 23.08.2024.

(iv) The parties are directed to agree upon a schedule for the examination of P.W.1 and submit such schedule on the next date of hearing.

7. List the suit on 23.08.2024.

12.08.2024

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