



A.No.6265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2024

Coram

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

A.No.6265 of 2024

in

C.S.No.161 of 2023

Mr.R.Avudaiappan

.. Applicant/Defendant

/versus/

Mr.B.Venkateswaran

.. Respondent/Plaintiff

For Applicant :Mr.S.Ramesh

For Respondent :Mr.S.Pushpakaran

ORDER

This application is filed by the defendant to grant leave to produce the documents, which are not disclosed by him while filing the written statement.

2. The learned counsel appearing for the applicant/defendant would submit that the suit for recovery of money has been filed by the plaintiff against the defendant, who was the former partner in the finance business.



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In the written statement, the defendant has specifically stated that there is a lend business jointly by the plaintiff and defendant and the accounts been reconciled between them once in a week. During the Covid lockdown, the business suffered badly and borrowers defaulted. Therefore, the principal amount in several cases could not be recovered and interest as charged under the promissory notes for the money lent by the plaintiff and the defendant could not be realised in some cases. Therefore, there was a dispute between the plaintiff and the defendant, which has led to misuse of pronotes to lay the suit. Stating that in the written statement, the defendant has made specific allegation that he got the entire documents and the other proof to establish that various sums lent by them have not been recovered. Therefore, he want the present documents which is purportedly to have been executed by three borrowers by name Raja, Chandran and Sakthivel.

3. The learned counsel appearing for the plaintiff would submit that a very vague averment in the written statement without mentioning the amount and the name of the borrowers and the omni bus statement, has now



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been taken advantage by the defendant to introduce the documents after completion of pleadings and recording of evidence.

4. This Court on considering the rival submissions and taking note of the mandate under Order VIII, Rule 1A and Rule (2) of C.P.C., is of the view that the defendant must have raised in his pleadings all the matters which are necessary to support his case and such pleadings must be specifically mentioned. While so, the averment in Paras 7 and 8 are very vague and not specific. However, it is the duty of the defendant to produce the documents upon which he relies as per Order VIII, Rule 1A, whereas the new documents are sought to be introduced at the stage of commencing the trial. Hence, application cannot be entertained for the reason that the factum of this transactions never been whispered in his written statement. Hence, this application stands dismissed. No costs.

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Index:yes/no
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DR.G.JAYACHANDRAN,J.

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