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A Nos. 782 & 783 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A Nos.782 & 783 of 2025

IN

CS NO. 428 OF 2019

Meena Jawahar Palaniappan
Mallika Apts. B-6, No.34, Pycrofts Garden Rd.
Ch-6

Applicant(s)

Vs

Headway Projects
No.23, 7th Cross Street, West Shenoy Nagar, Ch-
30 and 4 Others

Respondent(s)

For Applicant(s):

Mr.B.S.Jhothiraman (in both applications)

For Respondent(s):

Mr.P.C.Harikumar

For M/s.P.C.Hari Kumar & Associates (For R1 & R2)

ORDER

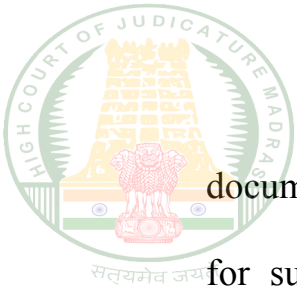
The applications have been filed seeking to receive the documents listed in the Judges Summons along with the application to condone the delay of 387 days in filing the said documents.



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2. Mr.B.S.Jhothiraman, learned counsel for the applicant would submit that the applicant after institution of the suit, had issued notices to the learned counsel for the respondents/defendants through his counsel, calling upon them for production of certain documents. The said documents were not produced. Hence, to substantiate that such notices have been issued to the respondents/defendants, the applicant seeks permission of this Court to receive the said documents by also condoning the delay of 387 days in filing such documents. He would submit that if the applications are not allowed, the applicant would be put to irreparable loss and undue hardship.

3. On the other hand, the learned counsel appearing for the respondents/defendants would submit that the applicant had attempted to mark the said documents, which were not in the list of documents, which was objected to by the defendants and hence, the matter was referred back to the Court and the Court by its order dated 24.01.2025, had held that the applicant/plaintiff cannot mark the said documents without the leave of the Court. He would submit that the present applications had been taken up seeking leave of this Court. He would submit that the said documents are inter-communication between the counsels, for production of certain



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documents and the same had also been replied to. Without taking any steps for summoning the said documents, with whom the said documents are available, the applicant is attempting only to seek leave to mark the notices sent by his counsel which may not be relevant to the suit. Therefore, he prays that the present applications be rejected.

4. I have considered the rival submissions made on either side of the parties.

5. It is an admitted fact that notices have been sent by the learned counsel for the applicant, calling upon the respondents/defendants to produce certain documents. The said documents were not produced. In reply to the said notices, the applicant had not taken any steps for production of those documents in whose possession such documents are. However, had taken the present applications to receive the notices issued by his counsel. There is also no further statement as to how such documents could be relied upon to substantiate his claim in the suit. Therefore, I do not find any merits in these applications. Accordingly, both the applications in A.Nos.782 & 783 of 2025 in C.S.No.428 of 2019 stand dismissed.



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6. List the suit before the learned Additional Master-IV for

continuation of evidence of P.W.1 on 03.04.2025.

18-03-2025

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To

1. Headway Projects

No.23, 7th Cross Street, West Shenoy Nagar, Ch-30

2. A.Vani Priya

W/o.V.Sathish Kumar, Managing Partner. Headway Projects, No.23, 7th Cross Street, West Shenoy Nagar, Ch-30

3. V.Athinarayanan

S/o.Veerassamy Reddy, Managing Partner. Headway Projects, No.23, 7th Cross Street, West Shenoy Nagar, Ch-30

4. Rekha Jegadish

W/o.Jegadish Reddiar, No.23, 7th Cross Street, West Shenoy Nagar, Ch-30

5. Mr. V. Sathish Kumar

S/o.G.R.Veeraraghavan, Sathguru Homes, Vamshirams Jyothi Prime, Third floor, No. 6-3-251/7/1/2, Road No.1, next to GVK ONE MALL, Banjara Hills, Hyderabad 500 034. (5TH DEFENDANT ADDED AS PER ORDER DATED 23.01.2024 IN A.NO. 374/2024 AND TIME EXTENDED AS PER ORDER DATED 28.02.2024).