



A.No.871 of 2025 in CS.No.459 of 2015

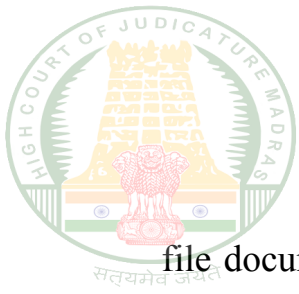
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This application has been filed to receive documents mentioned herein as part of evidence in the above suit.

2. Heard the learned counsel for the applicants as well as the 3rd respondent who appeared as party-in-person.

3. The learned counsel for the applicants submitted that the 2nd applicant/2nd defendant, in his affidavit stated that the plaintiff's son has admitted that neither they have accounts nor auditor and no records to show that they have lent money of Rs.65,00,000/- to the applicants/defendants and all the issues have been decided by this Court in Crl.A.No.330 of 2015 dated 07.07.2022 to be marked as documents 5 and 6. He further stated that the document No.1 at the time of filing his written statement, was misplaced during shifting his office. It is utmost importance that the documents relating to the 138 complaint be taken as part of evidence on behalf of the applicants. He further submitted that the Hon'ble Supreme Court of India in *Levaku Pedda Reddamma and Others Vs. Gottumukkala Venkata Subbamma & Another* vide order dated 17.05.2022 has held that the defendants should be permitted to produce documents, the relevance of which can be examined by the trial court on the basis of the evidence to be led, but to deprive a party to the suit not to



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file documents and even if there is some delay, it will lead to denial of justice and if this application is not allowed, grave prejudice would be caused to them and also it will lead to miscarriage of justice. Hence, he prays to allow this application.

4. Learned counsel for the respondents submitted that the suit is of the year 2015 and the applicants failed to mark the documents at the time of filing the written statement. The applicants/defendants cannot file the said documents just to fill up the lacuna. The reason stated in the affidavit by the applicants is false. Hence, he prays for dismissal of the application.

5. Upon hearing the submissions made on either side and perusing the materials available on record, being satisfied with the reasons stated in the affidavit and taking note of that no prejudice would be caused, if this application is allowed and in the interest of justice, this application is allowed subject to proof and relevancy.

6. Registry is directed to list the matter before the learned Additional Master concerned, for recording evidence on 14.03.2025.

Gv

07.03.2025