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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.Nos.737 to 739 of 2025
in C.S.(Comm.Div.) No.40 of 2024

Sanmar Shipping Limited
No.9, Cathedral Road, Chennai 600 086
-VS-

... Applicant

The New India Assurance Company Limited
No.9, Cathedral Road, Chennai 600 086

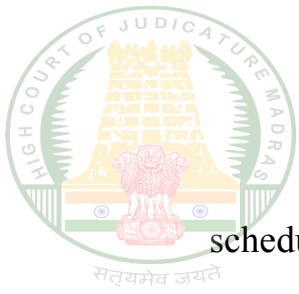
... Respondent

For Applicant : Mr.S.Raghunathan

For Respondent : Mr.K.Krishnaswamy

ORDER

By these three applications, the plaintiff seeks a direction to impound the agreements listed in the schedule to the Judge's summons of A.No.737 of 2025 for reference to the appropriate authority to determine the requisite stamp duty and penalty; to grant leave to file the documents listed in the



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schedule to the Judge's summons of A.No.738 of 2025; and to grant leave to

re-number plaintiff document No.17 as plaintiff document Nos.17A and 17B.

2. The suit is at the stage of examination of P.W.1. Learned counsel for the plaintiff submits that the agreements listed in the schedule to the Judge's summons of A.No.737 of 2025 were received by e-mail and that they are in respect of agreements entered into with counter parties outside India. Since the documents / agreements were not adjudicated earlier, he seeks impounding and reference to the appropriate authority.

3. With regard to the documents listed in the schedule to the Judge's summons of A.No.738 of 2025, learned counsel submits that the primary document, such as the quotation dated 02.11.2007 (Serial No.1 of the schedule) was filed as plaintiff document Nos.2 and 3. He submits that the e-mail to which it was attached could not be traced and filed earlier. Likewise, learned counsel submits that the other e-mails, which were effectively the covering letters, were not filed earlier whereas the primary document attached and corresponding thereto had been filed earlier. As regards documents 10, 11 and 12, he submits that the primary document was filed along with the reply statement of the plaintiff. As regards A.No.739 of



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2025, learned counsel submits that it would be appropriate to split plaintiff document no.17 as plaintiff document nos.17A and 17B.

4. In response, learned counsel for the defendant submits that he has no objection to A.No.739 of 2025. As regards A.No.737 of 2025, learned counsel submits that it is necessary to refer inadequately stamped documents to the appropriate authority after impounding. He, however, submits that the last limb of the prayer is to exhibit the documents and that he has objections regarding the same. As regards A.No.738 of 2025, learned counsel submits that the plaintiff has not shown reasonable cause for not filing these documents earlier. He points out that the writ petition challenging the repudiation was filed in the year 2012 and that no justification has been provided in the affidavit in support of this application for seeking to file these documents in July 2025. He also points out that the documents listed at Serial Nos.10 to 12 of the table at paragraph 5 of the affidavit were not filed along with the plaintiff.

5. A.No.739 of 2025 seeks the limited relief of splitting plaintiff document no.17 into plaintiff document nos.17A and 17B. The defendant has



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no objection to allow this application. Therefore, this application is allowed as prayed for.

6. As regards A.No.737 of 2025, even with regard to documents executed outside India, the Indian Stamp Act requires that such documents be adjudicated upon the documents being brought into India. Therefore, as prayed for, the documents listed in the schedule to the Judge's summons of A.No.737 of 2025 are directed to be impounded and referred to the appropriate authority for determining stamp duty and penalty. Upon payment of such stamp duty and penalty, the said documents shall be returned to the Court for further action. The entire exercise of determining stamp duty and penalty and certifying that the same has been remitted should be completed within a maximum period of one month from the date of receipt of the documents by the appropriate authority. The plaintiff is directed to extend full cooperation to ensure that this time limit is complied with by making the payments demanded within a maximum period of one week from the date of demand.

7. As regards A.No.738 of 2025, it is noticeable that the primary documents, such as the quotation, minutes of meeting or agreement, as the



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case may be, were filed along with the plaint, and the plaintiff seeks to place on record the e-mails which functioned as the covering letters in respect thereof. As contended by learned counsel for the defendant, these documents could have been filed earlier. Since these documents *prima facie* appear to be relevant, it is just and necessary that the plaintiff be permitted to file the same subject to the right of the defendant to file an affidavit of admission / denial in respect thereof and raise objections *inter alia* on the grounds of admissibility, relevance and proof in course of trial.

8. As noticed above, the plaintiff has filed these documents belatedly and is liable to be put on terms. Therefore, A.No.738 of 2025 is allowed subject to the condition that the plaintiff pays a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as costs to the Cancer Institute, Adyar within ***two weeks*** from the date of receipt of a copy of this order.

9. All these applications are allowed on terms indicated above.

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