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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(TM)A/13/2025
in (T)OP(TM)/55/2023

M Mathew
Muthoot House, 26, Mummys Colony Kuravankonam,
Kowdiar P.O, Thiruvananthapuram 695 003, Kerala. ... Applicant
-VS-

Thomas John Muthoot
Thomas Muthoot, Thomas George Muthoot and Muthoot Pappachan Group,
Muthoot Towers, 5th Floor, M.G.Road,
Ernakulam - 682 035 Kerala. and another ... Respondents

For Applicant : Mr.K.Balamurali
for M/s.Shivakumar and Suresh

For Respondents : Mr.Arun C.Mohan for R1
Mr.S.Janarthanam, SPC for R2

ORDER

In the rectification petition, the evidence of P.W.1 was recorded in full and the matter is at the stage of recording the evidence of the contesting respondent. At this stage, the contesting respondent has filed an application

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for permission to file 21 additional documents.

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2. In the affidavit in support of this application, it is stated that these documents were found while preparing the proof affidavit of R.W.1. It is also stated that these documents are relevant for the first respondent's defense.

3. Learned counsel for the rectification petitioner opposes this application on the ground that most of the documents were in existence prior to the date of filing of the counter statement. He also submits that the applicant has not established reasonable cause for filing these documents at this juncture.

4. On perusal, it appears that most of the documents relate to the period prior to the filing of the counter statement. Therefore, the first respondent was in a position to file such documents earlier. Certain documents, such as those listed at Serial Nos.1, 12, 18 and 19, however, are subsequent to the date of filing of the counter statement. By taking into



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consideration the fact that this is an original proceeding, some latitude should be extended to the parties to place record on all relevant evidence, albeit by putting the applicant / first respondent on terms.

5. Therefore, this application is allowed subject to the first respondent paying a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the Adyar Cancer Institute, Chennai within a period of **one week** from the date of receipt of a copy of this order and subject to the right of the respondent / rectification petitioner to file an affidavit of admission / denial in respect of these documents and raise objections *inter alia* on grounds of admissibility, relevance and proof in course of trial.

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