



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

**A.Nos.1545 & 1546 of 2025**  
**in C.S.No.74 of 2020**

Mr.S.Sekar

Flat No.F 15 Kochar Panchaseel 129, M.T.H. Road  
Ambattur Industrial Estate Chennai

... Applicant

-VS-

M/s.Vyas Nuiliding Pvt. Ltd.

Flat No.F 15 Kochar Panchaseel 129, M.T.H. Road Ambattur Industrial  
Estate Chennai and 2 Others

... Respondents

For Applicant : Mr.V.Manoharan

For Respondents : Mr.V.Vishal for R2

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**ORDER**

By these applications, the plaintiff seeks to recall P.W.1 for the purpose of exhibiting the additional documents mentioned in the Judge's summons of A.No.1546 of 2025. The defendants have filed counters to



these applications.

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2. The suit is at the stage of examination of D.W.1, and the cross examination of P.W.1 was concluded earlier.

3. Learned counsel for the applicant / plaintiff submits that the documents mentioned at Serial Nos.1 and 2 are certified copies of construction agreement dated 24.01.2015 and sale deed dated 05.02.2015. He points out that photocopies of the said documents were previously exhibited as Exs.P4 & P5. As regards the documents at Serial No.3, learned counsel submits that computer print outs of bank statements were exhibited earlier as Exs.P11 to P18. Such computer print outs were exhibited after recording the objection of the defendants. After contacting the Manager of the Bank, it is stated that certified copies of the bank statements have been obtained. As regards the document at Serial No.4, learned counsel submits that the second defendant stated in its written statement that the sale price in respect of flats constructed was paid to the plaintiff. The plaintiff had issued notice dated 25.02.2025 for production of the bank statement for the



relevant period, and such notice is sought to be exhibited now.

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4. Learned counsel for the defendants opposes these applications on the ground that the plaintiff is endeavouring to fill up the lacuna in the evidence adduced earlier. After comparing the bank statements exhibited earlier with the certified copies produced now, learned counsel submits that the entries do not tally.

5. Since photocopies of the construction agreement dated 24.01.2015 and sale deed dated 05.02.2015 were exhibited earlier as Exs.P4 & P5, respectively, no prejudice would be caused by exhibiting the certified copies thereof at this juncture. As regards the bank statements, computer print outs were earlier exhibited as Exs.P11 to P18. As regards these bank statements also, subject to objections in relation to entries that do not tally with bank statements exhibited as Exs.P11 to P18, the interest of justice warrants that these documents be permitted to be exhibited. The last document, namely, notice dated 25.02.2025 is subsequent to the filing of the plaint. Therefore, reasonable cause is made out in respect thereof.



**WEB COPY** 6. For reasons set out above, these applications are allowed by recalling P.W.1 and by permitting the applicant / plaintiff to file the documents specified in the Judge's summons, subject to the right of the defendants to file an affidavit of admission / denial in respect thereof and raise objections in course of trial *inter alia* on grounds of admissibility, relevance and proof.

**07.04.2025**  
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**SENTHILKUMAR RAMAMOORTHY,J**

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**(1/2)**