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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A.No.2428 of 2025
in C.S.No.873 of 2016

A.No.2428 of 2025:

K.Subramanian
S/o.N.Kalimuthu, No.29/15, Subedar Hussian Street,
Royapettah, Chennai-600 104

Applicant(s)

Vs

K.Vijayakumari
W/o.M.R.Krishnamurthy, No.42/178, Mannar Koil Street,
Royapuram, Chennai 600 013.

Respondent(s)

C.S.No.873 of 2016:

K.Vijayakumari
W/o.M.R.Krishnamurthy, No.42/178, Mannar Koil Street,
Royapuram, Chennai 600 013.

Plaintiff(s)

Vs

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K.Subramanian
S/o.N.Kalimuthu, No.29/15, Subedar Hussian Street,
Royapettah, Chennai-600 104

Defendant(s)

PRAYER in A.No.2428 of 2025:

Application filed under Order XIV Rule 8 of the High Court, 1994, r/w Order VIII Rule 2(1a)(3) of CPC, to permit the applicant/defendant to file the additional documents more fully listed out in the judges summons.

For Applicant(s): Mr.B.Vijjay

For Respondent(s): Mr.P.B.Ramanujam

ORDER

This application has been filed by the defendant to introduce additional documents during trial.

2. The suit had been filed by the plaintiff seeking a direction against the defendant to pay a sum of Rs.1,40,00,000/- together with interest at the rate of 24% per annum from 01.11.2016 till the date of the decree and thereafter, till the date of realization. The suit is based on a promissory note

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dated 01.03.2015. Prior to filing of the suit, the plaintiff had issued an advocate notice calling upon the defendant to honor the commitment made under the promissory note. No reply notice had been issued to the said advocate notice.

3. The defendant had alleged about the existence of the partnership firm and claimed that loan was advanced on behalf of the partnership firm. It is contended that the plaintiff and the defendant were partners. Along with the Written Statement, no documents have been filed. This also strengthens the fact that no reply was issued to the advocate notice sent by the plaintiff prior to the institution of the suit.

4. Among the documents now sought to be introduced, are documents relating to M.C.O.P.No.3534 of 2009 and the documents filed at the time of Civil Miscellaneous Appeal pursuant to the judgment in M.C.O.P.No.3534 of 2009 and relating to FIR registered in Crime No.40 of 2018 and an order passed in Crl.O.P.No.9555 of 2018. To a little extent, these documents could be termed as documents relating to parallel judicial proceedings either relevant or irrelevant.

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4. Two further documents are sought to be introduced, which are strongly objected by the learned counsel for the plaintiff *viz*. a certified copy of the loan sanction letter and a photocopy of the partnership agreement. With respect to the partnership agreement, it is contended that only a photocopy has been produced and therefore, the document itself is inadmissible on evidence. It is further contended that the partnership agreement has no relevancy to the facts of the case. Similarly, it is contended that the loan sanction letter now sought to be introduced is not relevant to the averments made in the plaint or in the written statement. Be that as it may, it is also stated that in the partnership agreement the plaintiff had also appended her signature.

5. Relevancy is an issue, which has to be argued before the Court. Admissibility of the partnership agreement, might be an issue, which could be raised during arguments. It is contended that the plaintiff is also a signatory to the said document. If the plaintiff denies her signature, then the document could not be introduced. But, if the plaintiff admits her signature, then that document could be introduced subject to the contents being

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relevant to decide the issue raised in the plaint, which is a suit for recovery of money based on a promissory note.

6. Questions could be put forth during cross-examination with regard to the relevancy of the documents now introduced. It is also to be noted that mere marking of documents would not lead to an inference that the documents could be considered in favour of the party producing the said documents.

7. Observing as above, the documents maybe produced as evidence subject to admissibility. The issue of relevancy may be argued during the course of arguments.

Accordingly, this application is allowed.

09-06-2025

nsd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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C.V.KARTHIKEYAN J.

nsd

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