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A NO. 3135 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A.No.3135 of 2025

in

C.S.No.221 of 2023

Indian Bank
Having Its Corporate Office At Pb No.5555, 254-
260, Avvai Shanmugam Salai, Royapettah,
Chennai 14. Zonal Office At Krest Building, 2nd
Floor, No.2, Jehangir Street, Chennai 01. And
Branch Office At 23, Arunchalam Road,
Saligramam, Chennai - 83. Represented By Its
Branch Manager.

Vs

Sun Tv Network Ltd.,
Having Its Registered Office At Murasoli Maran
Towers, 73, Mrc Nagar Main Road, Mrc Nagar,
Chennai 28. Rep. By Its Authorised Signatory,

Applicant(s)

respondent(s)

For Applicant(s):

Mr.Gokul
For M/s.Hemalatha Suresh

For respondent(s):

Mr.Jose John
For M/s.King & Partridge

ORDER

The present application has been filed to condone the delay in receiving
the documents filed along with this Judge's Summons.



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2. The learned counsel appearing for the applicant would submit that after the issues were framed, the applicant, in compliance with the order for filing affidavit of documents, had filed a typed set of documents without a supporting affidavit. He would submit that non-filing of documents along with the written statement and even the affidavit of documents is neither deliberate nor wanton, but for a bonafide reason, the applicant had filed by way of typed set various documents. He would further submit that the objection memo filed by the applicant to the Advocate Commissioner's Report is also sought to be marked as a document. Hence, he would further submit that there is no prejudice caused to the respondent, if the said documents are taken on record, subject to proof and relevancy.

3. Countering his arguments, the learned counsel appearing on behalf of the respondent would contend that the various documents are already on record as having been marked as Exhibits by the respondent. He would submit that the documents listed in Serial Nos.13,14,15,17,20 and 21 are Demand Drafts, for which, no pleading is there in the written statement. That apart, he would submit that the said documents were never served upon the respondent in any manner. Hence, he would submit that without pleadings in the written statement, the said documents cannot be taken on record. He would further submit that the objection memo to the learned Advocate



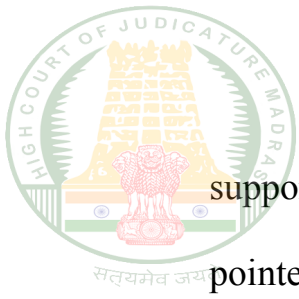
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Commissioner's report can always be relied upon during the course of arguments as it is a record of Court. Hence, he would submit that there is no necessity to permit the said documents to be taken on record and would contend that it is only a ruse to protract the proceedings by denying the lawful rent payable by the applicant to the defendant. Hence, he seeks dismissal of the application.

4. I have considered the submissions made by the learned counsel on either side.

5. There is no dispute that Document Nos.1 to 12, 15, 18 and 19 are marked by the respondent during recording of evidence on his side evidence, hence, those documents are already on record. As regards Document Nos.13, 14, 16, 17, 20 and 21, a claim had made by the respondent that there are no pleadings in the written statement. The same is also not disputed by the learned counsel appearing for the applicant. It is a well established principle that the documents, which are sought to be relied upon by a party should be part of a pleadings of the said party. A document without any pleading cannot be lead in evidence.

6. In such view of the matter, the aforesaid documents, which are not



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supported by any pleading, cannot be ordered to be accepted. As rightly pointed out by the learned counsel for the respondent, the objection filed by the applicant can always be relied upon by the applicant at the time of arguments. The applicant had also not filed the aforesaid documents along with the application for this Court to appreciate their claim.

7. For the aforesaid reasons, the application stands dismissed. However, there shall be no order to costs.

14-07-2025

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To

1. Sun Tv Network Ltd.,
Having Its Registered Office At Murasoli Maran Towers,
73, Mrc Nagar Main Road, Mrc Nagar, Chennai 28. Rep.
By Its Authorised Signatory,



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K.KUMARESH BABU, J.
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