

A NO. 3295 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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A No. 3295 of 2025

in C.S.No.678 of 2019

Satharasala Suresh Khanna

S/o.Late Sathrasala Sugunakar, Residing at F-6, Gokul Adharsh
Apartments, 69/45, 7th Avenue, Ashok Nagar, Chennai 600 083.

Applicant(s)

Vs

Sathrasala Sharath Babu

No.110, Pondy Bazaar, Ranga Complex, T.Nagar, Chennai 600
017.

Respondent(s)

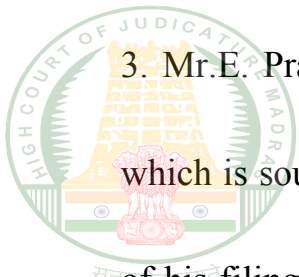
For Applicant(s): Mr.E. Prabhu

For Respondent(s): Mr.G.R.M.Palaniappan

ORDER

The present application has been filed to condone the delay in filing the documents 1 to 14 mentioned in the application scheduled in the above captioned suit.

2. Heard Mr.E. Prabhu, learned counsel for the applicant and Mr.G.R.M.Palaniappan, learned counsel for the respondent.



3. Mr.E. Prabhu, learned counsel for the applicant would submit that the list of documents which is sought to be filed in support of his claim was not available immediately on the date of his filing the written statement. Hence, such documents could not be filed along with the

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written statement and that since the suit is under Section 92 CPC, if the application is dismissed he will not be in a position to lead any evidence to substantiate his case that the Trust is being mismanaged. Hence, he seeks this Court to condone the delay in filing the documents mentioned in the Judge's summons to the application.

4. Mr.G.R.M.Palaniappan, learned counsel for the respondent would submit that applicant had filed the present application only in collusion with the ninth respondent herein who is also a trustee in the Trust and it is only the ninth respondent who had been instrumental in the embezzlement of the trust funds for which the suit itself had been instituted by the respondents/ plaintiffs. Further he would submit that the said documents may not be of any value to the suit on the issues framed in the suit. He would further submit that the applicant being a third party to the trust would not have any knowledge of the functioning of the trust and that these documents had come to his custody only in conveyance with the respondents and therefore, he prays this Court to dismiss the application.



5. I have considered the submissions made by the learned counsels appearing on the side and pursued the materials available on record.

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6. A time schedule had already been fixed by this Court in its order dated 21.04.2025. But, however, from the recording of the orders of the learned Additional Master-II, it could be seen that there has been a violation of the said schedule as the cross of PW1 itself has not been completed as per the schedule and the matter had been referred back to this Court on 13.06.2025. In the meantime, the present application had been taken out by the ninth defendant for receipt of certain documents. The evidence on the side of the defendant is yet to begin.

7. The reason attributed by the applicant is that the Judge's summons documents have not been filed along with the written statement due to paucity of time. Even though, the learned counsel appearing for the respondent had vehemently contested the claim, this Court finds no reason to reject the claim made by the applicant.

8. For the aforesaid reasons, the application stands allowed and the applicant is permitted to rely upon the Judge's summons mentioned documents however, subject to proof and relevancy.



19-08-2025

To

1. Sathrasala Sharath Babu

No.110, Pondy Bazaar, Ranga Complex, T.Nagar, Chennai 600 017.