



A NO. 3768 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 3768 of 2025

in

C.S.No.38 of 2022

M/s Arc Internaitonal Fertility And Research Centre,
Rep. By Its Authorized Signatory Mr.Pradeep, No.1, Commander
And Chief Road, Ethiraj Salai, Egmore, Chennai

Applicant(s)

Vs

M/s Splus Media Pvt Ltd.,
Rep. By Its Managing Director, Mr.Kumaran Jayapal, No.14,
Venugopal Avenue, Spur Tank Road, Chetpet, Chennai,
Tamilnadu 600 031. and another

Respondent(s)

For Applicant(s): Mr.E.Karthikeyan

For Respondent(s): Ms.N.Kalaivani for
Mr.P.Wilson Associates for R1

ORDER

The Application had been filed to condone the delay in filing additional documents mentioned in S.Nos.1 to 6 in C.S.No.38 of 2022 as exhibits and pass other orders which deem fit and proper to the circumstance of the case.

2. The learned counsel appearing for the applicant would submit that the suit had been



instituted by the applicant for damages caused to it on the defamatory statements the

respondents and for other reliefs. He would submit that the Chief Revenue Officer of the

applicant had also received messages from abroad enquiring about the video that was

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uploaded by the applicant about the hesitation to come for treatment. He would submit that

such whatsapp messages received from the Chief Revenue Officer are also crucial and

essential to support the case of the plaintiff. The patient footfall and revenue income of the

applicant hospital had also drastically reduced and they have suffered a great loss and

therefore to substantiate the same, the financial statements succeeding the plaint are also

sought to be taken on record. Hence, such documents are relevant for the applicant to

substantiate his claim as against the defendants. Therefore, he prays this Court to permit the

applicant to mark the said documents by receiving the same as additional documents and also

condone the delay in filing such documents.

3. Ms.N.Kalaivani, learned counsel appearing for the first respondent would vehemently

contend that the applicant is now trying to fill up the lacunae in the evidence of PW-1, who

was the Director of the plaintiff. She would further contend that the documents that are

sought to be introduced by way of additional documents do not form part of the pleadings in

the plaint. That apart, she would submit that the documents in serial Nos.5&6 are post-plaint

documents and therefore, the same cannot be allowed to be taken on record.



4. She would further submit that the learned counsel for the plaintiff had made an endorsement in the plaint on 21.11.2023 that no further documents are to be marked on the side of the plaintiff. Such endorsement had also been made after this Court had framed issues on 09.09.2022, that too on the day when PW-1 was examined in Chief and documents marked on the side of the plaintiff. She would contend that when there are no pleadings raised in the plaint, the applicants cannot be allowed to be permitted to mark those documents and hence, she prays this Court to dismiss this Application.

5. I have considered the rival submissions made by the learned counsel appearing on either side and perused the materials placed on record.

6. The plaint had been presented before this Court in February 2022 and written statement of the first defendant had also been filed before this Court on 06.04.2022. Thereafter issues were framed by this Court on 29.04.2022. Subsequently, the issues were redrafted by order dated 09.09.2022 and the learned Master had also recorded evidence. The documents on the side of the plaintiff have been marked on 21.11.2023 on which date, the learned counsel for



the plaintiff had also made an endorsement that no further documents are to be n

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7.The present application is to mark further documents to the case of the plaintiff. As rightly pointed out by the learned counsel for the first respondent/defendant, the documents namely in serial Nos.1 & 2 are the documents, which are pre-plaint documents and serial Nos.3 to 6 are post-plaint documents. Serial Nos.1 to 4 are whatsapp messages received by the Chief Revenue Officer, who is sought to be examined as PW-2. There has been no averments in the affidavit as to why such whatsapp messages were not pleaded in the plaint. Serial Nos.5 & 6 are self certified statement of the applicant/plaintiff and the same is also not supported by any averments filed in support of the application.

For the aforesaid reasons, I do not find any merits in the application and accordingly, the Application in A.No.3768 of 2025 stands dismissed. However, there shall be no order as to costs.

06-08-2025

Pbn



To

1. M/s Splus Media Pvt Ltd.,
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