



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**A Nos. 314 to 316 of 2026
IN C.S(COMM DIV) NO. 31 OF 2021**

S.Kishore
Millenium Enclave, C Block, T-2, Kumaran
Colony, 2nd Street, Vadapalani, Chennai

..Applicant(s)

Vs

Jimmy Elias
S/o Elias,
Pattasserri House,
Opp.Bous Higher Secondary School,
Thirupunithara, Ernakulam,
Kerala - 682 301.

..Respondent(s)

For Applicant(s): M/s.A.Palaniappan

For Respondent(s): M/s.B.Christ Das for R1

COMMON ORDER

The cross examination of D.W.1 was completed on 27.11.2025. The evidence of the defendant was closed on 02.12.2025 after recording counsel's submission that the defendant has no further witness. These applications were filed thereafter in December 2025.

2. Learned counsel for the applicant / plaintiff submits that D.W.1 was questioned with regard to assignment agreement dated 05.01.2012 and that the



witness stated that the original was filed in O.S.Nos.34 and 36 of 2020 on the file of the I Additional Court, Ernakulam, Kerala. He submits that only a true copy of the above mentioned agreement was filed in the suit in Kerala and that it is intended to file a copy of the judgment to establish the same. As regards the aadhar cards, he submits that Sadhasivam was the assignor under one of the assignment agreement and that it is proposed to examine his daughter, Muthu Chippi, as a witness. He also submits that Joseph Immanuvel was the attesting witness for an assignment agreement relied on by the plaintiff.

3. Learned counsel for the respondent / defendant opposes these applications primarily on the ground of delay. He submits that these applications could have been filed earlier and that filing the same after evidence was recorded causes prejudice to the defendant.

4. As recorded earlier, the defendant's evidence was closed on 02.12.2025. As regards the three aadhar cards, the plaintiff was in a position to file the same earlier. The explanation with regard to the judgment in O.S.Nos.34 and 36 of 2020 is acceptable in as much as the necessity to file this document has arisen in course of the cross examination of D.W.1. Considering the totality of facts and circumstances, I am of the view that the plaintiff should pay costs to the defendant for the delay in filing the applications. Subject to the payment of a sum of Rs.20,000/- as costs to the defendant within one week from the date of receipt of a copy of this order, these applications are allowed as prayed for



subject to the right of the defendant to file an affidavit of admission / denial in respect thereof and raise objections *inter alia* on grounds of admissibility, relevance and proof in course of trial.

RNA

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SENTHILKUMAR RAMAMOORTHY, J.

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