

CS No. 79/17

10.12.2018

Present : None despite repeated calls.

Be awaited.

(Manish Gupta)

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Present : Shri Arvind Jha, counsel for the plaintiff.

Shri Junaidullah, counsel for the defendant.

Counsel for defendant submits that he do not want to file any reply to the application under O 7 R 14 CPC.

Arguments heard on the said application. Record perused.

Counsel for the plaintiff submits that through the application under consideration he wants to furnish on record the documents as mentioned in para no. 2 of the said application. The said documents relate to the year 2014 & 2015. Counsel for the plaintiff submits that he has filed the copies of said documents on record.

Application is strongly opposed on behalf of defendant on the ground that the same ought to have been filed alongwith plaint. The present

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suit was filed in the year 2017.

Counsel for the plaintiff submits that the plaintiff company is a big company and the documents were scattered in different departments of the plaintiff company, therefore, they could not be filed in time.

Issues are yet to be framed. The defendants may be adequately compensated in terms of money in case application is allowed.

The counsel for the plaintiff has submitted that the said documents relate to the goods supplied to the defendant.

In view of overall facts and circumstances and in order to give the parties due opportunity of proving their case and in the interest of justice, the application under consideration is allowed, however, subject to payment of cost of Rs. 3,000/- (Rupees Three Thousand only) by the plaintiff to the defendants. Cost be paid positively by the next date.

Put up for admission/denial of documents, framing of issues and for payment of cost on 22.03.2019. On request of plaintiff date changed to 26.03.2019.

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