

11.12.2018

Present: Sh. Bhoop Singh, Ld counsel for plaintiff with AR/PW-1 in person.

Sh. Anurag Jain, Ld counsel for defendant.

PW-1 cross-examined and discharged. Vide separate statement of AR of plaintiff, PE stands closed.

Application under Order 8 Rule 1 (3) CPC filed by defendant by which the defendant seeks permission of the court to place on record the E-mail exchanged in between plaintiff and defendant. As per the submission of ld counsel for defendant, the E-mail exchanges were made during the period of transaction and as such are very vital for just and fair decision of the case.

Ld counsel for plaintiff has vehemently opposed the application as filed by defendant submitting that application has been filed belatedly as in the present case issues have already been framed on 27.04.2015. It is submitted by ld counsel for plaintiff that documents were filed only after the part cross-examination of plaintiff on 10.02.2017.

I have considered the submission made by both the parties.

At this stage, ld counsel for plaintiff has submitted that he has no objection if the application under Order 8 Rule 1 (3) CPC of defendant is allowed.

In view of no objection and also the fact that documents/E-mail exchanges in between the parties pertains to the period of transaction

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and same would aid in just and fair disposal of the case, accordingly the application under Order 8 Rule 1 (3) CPC is allowed and the documents filed by defendant are taken on record.

Vide separate statement of ld counsel for defendant, application under Order 11 Rule 1 & 5 CPC of defendant for delivering the interrogatories stands dismissed as withdrawn.

To come up for DE by way of affidavit with an advance copy to plaintiff on **26.04.2019**.

(Hasan Anzar)
ADJ-06/ West District
THC/11.12.2018