

A.No.9630 of 2019
in
C.S.No.401 of 2017

Dr.G.Jayachandran, J.

This application is taken out to permit the applicant/plaintiff to adduce secondary evidence by marking the Memorandum of Understanding dated 08.11.2018 and 13.12.2018 as exhibits. There is no controversy regarding the execution of Memorandum of Understanding. However, the learned counsel for the respondent would submit that the application itself is taken out on wrong provision of law and the averments made in the affidavit filed in support of application are not acceptable.

2. Quoting of wrong provision of law cannot be a reason to deprive the relief sought. If there is any questionable content in the documents, it is a matter to be decided in the trial. Therefore, the application is allowed subject to compliance of Section 65 of Indian Evidence Act, besides proof and relevancy.

3. Post the matter before the Master for continuation of recording evidence.

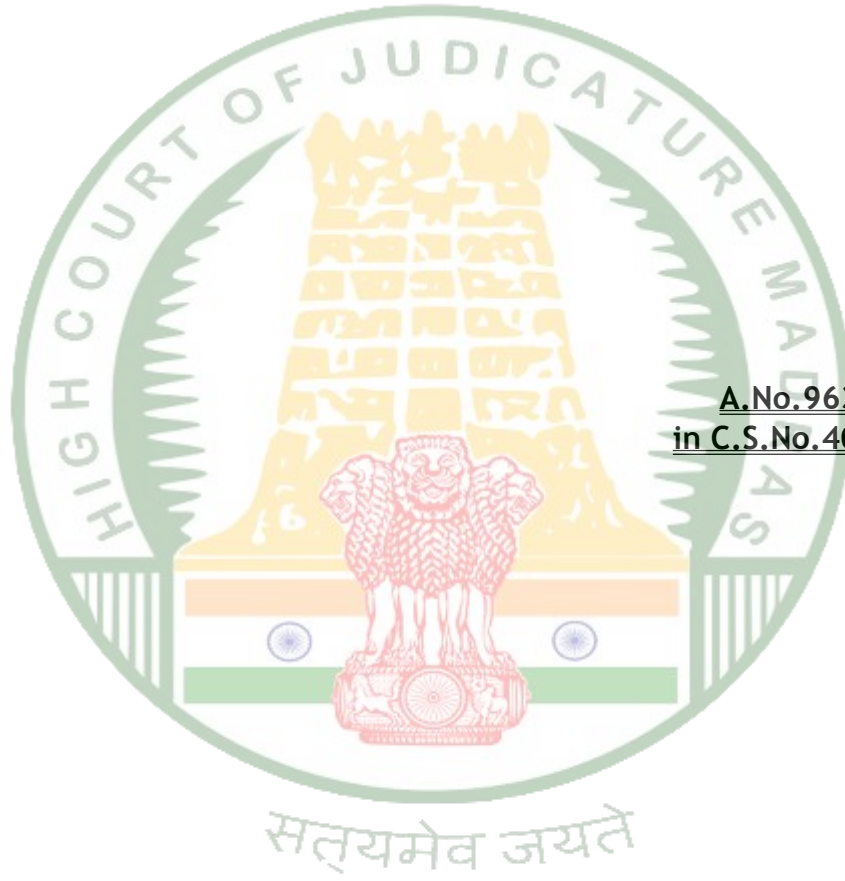
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