

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.7593 of 2017

and

Civil Revision Petition No.16 of 2018

Common Order:

Aggrieved by the common order passed by the Trial Court allowing two applications, one for receipt of documents and another for marking certain documents as secondary evidence, at the behest of the defendants in the suit, the plaintiff has come up with the above revisions.

2. Heard Mr. Siva S Lanka, learned counsel for the petitioner.

3. The main grievance of the petitioner is that without laying the foundation to the effect that the originals of the documents sought to be marked in secondary evidence were with the opposite party and that the efforts to seek their production failed, the Court below has allowed the application for marking certain documents as secondary evidence.

4. It is true that secondary evidence can be let in, only upon satisfactory proof that the originals of the documents are with the opposite party and that the efforts to make them to produce the same failed. But in this case, the Trial Court has safeguarded the interest of the petitioner in paragraph-10 by holding that the petitions are allowed subject to the proof that the originals are with the respondent. Since the interest of the petitioner is safeguarded, I do not think that the orders call for any interference.

5. Therefore, the civil revision petitions are dismissed.

It is open to the petitioner to raise all objections to the admissibility of the secondary evidence. The miscellaneous petitions, if any, pending in these revisions shall stand closed.

No costs.

V.RAMASUBRAMANIAN, J.

05th January, 2018.

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Note:-

Issue C.C. by 08-01-2018.

(B/o)

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