

A.No.8805 of 2019
in C.S.No.249 of 2014

N.SATHISH KUMAR.J.,

This application has been filed by the applicant/plaintiff to re-file the emails which were already filed along with the plaint.

2. The learned counsel for the applicant/plaintiff submitted that the printouts of emails has been filed as documents in the plaint. Those documents were taken by the Ex-employee. Now, he has left the plaintiff's Company. Such being the position the above documents cannot be filed as document since the person in charge of the computer was not available. Therefore, the re-print of the documents is required and the person who is in-charge of the computer has to be certified. Hence prayed for submitting fresh printout necessarily certified by the person who is in-charge of the computer.

3. The learned counsel appearing for the respondents/defendants submitted that the documents are with the plaintiff. Hence, affidavit under Section 65B of the Indian Evidence Act can be given by the present employee.

4. Such being the position, I am of the view that the such contention made by the learned counsel for the defendants cannot be countenanced. Section 65B of the Indian Evidence Act clarify that such

printouts should have been taken from the computer and all the entries made in the course of business. Printouts taken from the computer was in the control of the

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person in-charge of the computer. Such being the position, no prejudice will be caused to anybody for just reprinting the data already available in the Computer which is properly maintained by the Organisation or Company. Accordingly, the application is ordered as prayed for.

5. The learned counsel for the applicant/plaintiff is directed to give the copies of the documents to the respondents/defendants in advance.

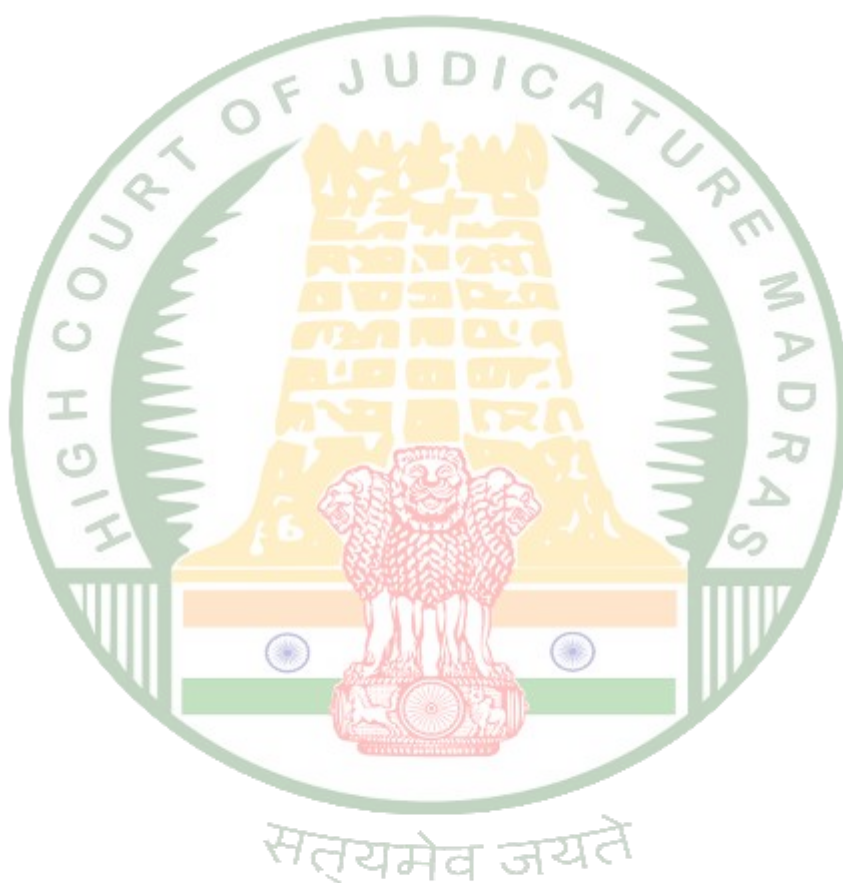
6. Post the matter before the learned Master on 16.12.2019 for recording plaintiff's side evidence and the cross examination shall be completed on or before 10.01.2020. The defendants side evidence shall commence on 20.01.2020 and the cross examination of the defendants side evidence shall be completed on or before 30.01.2020.

7. After completion of above said exercise, post the matter before this Court on 10.02.2020.

27.11.2019

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