

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 12TH DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

A.Nos.9407 & 9408 of 2018
in
C.S.No.1163 of 2008

M/s. Kapoor Imaging Private Limited
Rep.by its Managing Director
No.6, III Street,
Balaji Nagar, Royapettah,
Chennai 600 014. Applicant/Plaintiff
(A.Nos.9407 & 9408 of 2018)

Vs

M/s. Kodak (India) Private Limited
(Formerly known as M/s. Kodak Graphic
Communication (India) Private Limited)
Rep.by its Director
Kalpataru Synergy
Off Western Express Highway
Vakola, Santacruz East, Mumbai 400 050. Respondent/Defendant
(A.Nos.9407 & 9408 of 2018)

A.No.9407 of 2018:

Application praying that this Hon'ble Court be pleased to permit the applicant to substitute and mark xerox copies of the documents, namely (i) plaint Document No.7, namely emails dated 28.01.2008, 20.04.2007, and 03.05.2007 and (ii) Plaint Document

No.9 Credit Notes sent by Kodak to Kapoor Imaging on Multiple dates.

A.No.9408 of 2018:

Application praying that this Hon'ble Court be pleased to permit the applicant to mark xerox copies of (i) Plaint Document No.3, Reseller agreement entered between the plaintiff and defendant dated 01.04.2006, (ii) Plaint Document No.5, Letter sent by M/s. K.M.Graphics to the Plaintiff dated 05.01.2008 (iii) Plaint Document NO.8, xerox with Highlighted Marking of Credit notes sent by Kodak to Kapoor Imaging on Multiple dates (iv) Plaint Document NO.13, letter sent by the Plaintiff to the Defendant regarding defective supply of goods dated 31.10.2008 and (V) Plaint Document No.16, Letter sent by the plaintiff to Defendant seeking return of Defective goods dated 31.10.2008.

This application coming on this day before this court for hearing the court made the following order:

The present Applications have been filed for the following reliefs:

Sl.Nos.	Application Nos.	Reliefs
1	A.No.9407 of 2018	To permit the applicant to substitute and mark xerox copies of the documents, viz., (i) Plaint Document No.7, viz., e-mails dated 28.01.2008, 20.04.2007 and

Sl.Nos.	Application Nos.	Reliefs
		03.05.2007 and (ii) Plaint Document No.9 Credit Notes sent by Kodak to Kapoor Imaging on Multiple dates.
2	A.No.9408 of 2018	To permit the applicant to mark Xerox copies of (i) Plaint Document No.3, Reseller agreement entered between the plaintiff and defendant dated 01.04.2006, (ii) Plaint Document No.5, Letter sent by M/s.K.M.Graphics to the plaintiff dated 05.01.2008 (iii) Plaint Document No.8, Xerox with Highlighted Marking of Credit Notes sent by Kodak to Kapoor Imaging on Multiple dates (iv) Plaint Document No.13, Letter sent by the Plaintiff to the defendant regarding defective supply of goods dated 31.10.2008 and (v) Plaint Document No.16, Letter sent by the plaintiff to defendant seeking return of defective goods dated 31.10.2008.

2. The learned counsel appearing for the respondent submitted that he has objections to the Applications being allowed. He would further submit that these Applications may be allowed subject to proof and relevance and to make objections at

the time of examination.

3. In view of the submission made by the respondent's counsel, this Court is inclined to allow these Applications. Accordingly, these Applications are ordered as prayed for.

4. Post the matter on 27.06.2019 for filing Draft Issues and List of evidences.

5. Registry is directed to carry out the following correction:

In the prayer in Application No.9408 of 2018, the Plaint Document No.10 is wrongly mentioned as Plaint Document No.16, viz., Letter sent by the plaintiff to defendant seeking return of defective goods dated 31.10.2008, and therefore, the same may be read as Plaint Document No.10, i.e., Letter sent by the plaintiff to defendant seeking return of defective goods dated 31.10.2008.

Sd/.K.R.J
12.06.2019

//Certified to be a true copy//
Dated this the day of 2019.

R.s/18.06.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgement Decree in this format.