

**A.No.2883 of 2021**  
**in**  
**C.S.No.535 of 1999**

**R.SUBRAMANIAN, J.**

This application has been filed by the plaintiff seeking permission to produce certain documents to show that certain documents have been destroyed, during the 2015 floods. The claim in the suit relates to air traffic charges, payable by the 1st defendant Company. Along with the plaint, copies of certain documents have been produced. It is not the case of the applicant that those documents have been lost. The affidavit filed in support of the application is that the documents supporting the accounts statement are lost. As far as the documents that are now sought to be produced are concerned, they are introduced to show that some documents have been lost in the floods during the year 2015 and nothing more.

2.Mr.S.R.Raghunathan, learned counsel appearing for the 2nd respondent would vehemently contend that by producing these documents, the plaintiff cannot claim that it would be entitled to produce secondary evidence of documents, which were not produced along with plaint. The

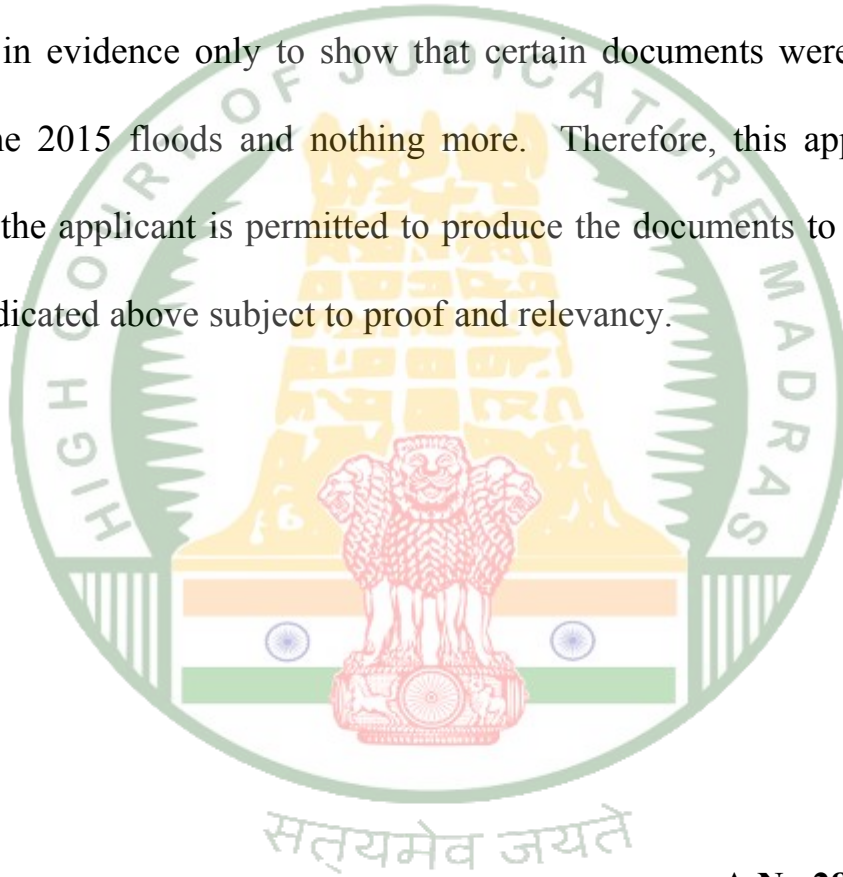
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said objection of the counsel is sustained. These documents could be received in evidence only to show that certain documents were destroyed during the 2015 floods and nothing more. Therefore, this application is allowed, the applicant is permitted to produce the documents to the limited extent indicated above subject to proof and relevancy.

23.08.2021

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