



A.No.3946 of 2021

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in
C.S.No.235 of 2021
(Comm.Suits)

N.ANAND VENKATESH, J.,

This application has been filed by the applicant/plaintiff seeking the permission of this Court to produce secondary evidence of 34 documents out of 49 documents that is relied upon by the applicant to substantiate their claim.

2. The reason stated in the affidavit filed in support of the application shows that the relevant documents have been misplaced and it will not be possible for the applicant to trace the same immediately. The applicant is justifying the production of the secondary evidence by bringing the case within the requirements of Section 65 of Indian Evidence Act, 1805.

3. Heard Mr.K.Moorthy, learned counsel for applicant and Mr.S.K.Srinivasan, learned counsel for respondents.



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4. In the considered view of this Court, no prejudice will be caused if the applicant is permitted to mark the secondary evidence, since the original documents are not readily available and it has been misplaced. The applicant claims that all these documents have been produced by way of mechanical process and there cannot be any dispute with regard to the authenticity of these documents. In view of the same, this Court is inclined to permit the applicant/plaintiff to let in secondary evidence with regard to the 34 documents that have been listed in this application. It goes without saying that the document shall be marked subject to relevancy, proof and admissibility.

5. This application is accordingly allowed.

**17.11.2021
(1/3)**

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