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A.No.602 of 2022
in
C.S.(Comm.Div.) No.151 of 2021

SENTHILKUMAR RAMAMOORTHY, J

The applicants/defendants seek permission to produce an e-mail of 28.05.2018 as a document.

2. The suit is at the stage where pleadings are complete but issues have not been framed. In the affidavit filed in support of the application, the defendants state that the e-mail is relevant because the respondent/plaintiff admitted in such e-mail that he received payments from the applicants. The applicants further state that the said e-mail could not be traced earlier, since the applicants were not in India at the relevant point of time.

3. The respondent/plaintiff opposes the application primarily on the ground that the document is not relevant. The respondent/plaintiff states that the suit claim is based on invoices which were issued subsequent to the e-mail in question.

4. The applicants have explained in the affidavit in support of the application that the e-mail could not be filed along with the written statement, since the same could not be traced earlier. As stated above, the suit is at the pre-



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trial stage. In the facts and circumstances, the applicants have established reasonable cause for the non-production of the e-mail earlier.

5. Therefore, A.No.602 of 2022 is allowed and the applicants are permitted to produce the e-mail, along with a certificate under Section 65B of the Indian Evidence Act, 1872, subject to the objections of the respondent/plaintiff, *inter alia*, on the grounds of relevance and proof.

22.03.2022

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