



A.No. 1417 of 2022
in
C.S.No. 516 of 2011

A.A.NAKKIRAN., J.

This application is filed by the applicant to eschew the evidence of the PW1 in respect of Ex.P1.

2. Heard both sides and perused the materials available on record.

3. The learned counsel for the applicants has submitted that they have not filed the original agreement of sale which has to be necessarily filed before this court. The respondents has filed a photocopy of the agreement of sale dated 19.02.2011 and in violation of Sections 63 and 65 the learned Master has taken on file the said agreement as Ex.P1. He further stated that no application has been filed under Section 65 of the Evidence Act seeking leave of this Court to produce it as secondary evidence. Despite the same, the learned Master had permitted the marking of the photocopy for which there had been no occasion to compare the same with the originals. The respondents ought to have produced the agreement of sale even at the time of filing of the suit.

4. Per contra, the learned counsel for the first respondent has



submitted that this application is filed only with a view of protract the proceedings. The document was already marked before the Master and now he cannot agitate before this court by way of this application and at this stage, this application cannot be entertained.

5. The document that was already marked before the learned Master, whether to be accepted or not, will be decided only at the time of the final stage of the case. Therefore, the contention raised by the applicant, is not acceptable at this stage and hence, this court is not inclined to allow this application.

6. Accordingly, this application is **dismissed**.

10.08.2022

gv

**Note: The Registry is directed to post
the main case on 07.09.2022.**



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gv

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