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A.No.2243 of 2022

in

C.S.No.225 of 2020

SENTHILKUMAR RAMAMOORTHY, J

In a suit for recovery of monies under an insurance policy, the plaintiff has presented the application for permission to exhibit Gear Oil Analysis Reports relating to three Wind Energy Generators (Windmills).

2. Learned counsel for the applicant asserts that the suit is at the stage of cross-examination of PW2, who is an expert witness. The said expert has deemed these exhibits as material and relevant for his expert evidence. It is stated that this application is filed in such circumstances.

3. Learned counsel for the first defendant/first respondent opposes this application on the ground that these Gear Oil Analysis Reports were not placed before the Surveyor when the insurance claim was determined. Although the documents were in existence at the time of filing of the suit, the documents were not filed at that juncture. In fact, he states that the permission to exhibit these documents should have been requested, at the latest, before PW2 was examined.



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SENTHILKUMAR RAMAMOORTHY, J

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3. Since expert evidence is being recorded and the said expert considers these documents as material and relevant in relation to his evidence, reasonable cause is established for permitting the applicant/plaintiff to exhibit these documents subject to the right of the first respondent/first defendant to file an affidavit of admission/denial in respect thereof and also raise objections *inter alia* on grounds of admissibility, relevance and proof.

4. Accordingly, A.No.2243 of 2022 is allowed on the above terms.

21.07.2022

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