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A. No.2254 of 2022
in
C.S.No.317 of 2020

SENTHILKUMAR RAMAMOORTHY, J

This application is filed for permission to exhibit secondary evidence.

2. The applicant states that its sale invoices for the period from 13.12.2012 to 30.01.2020 were computer generated and that the invoices were originally signed by a former employee. Therefore, permission is sought to adduce secondary evidence. As regards the invoice dated 04.03.2020 pertaining to the alleged sale of the defendant's product, the applicant/plaintiff states that the original invoice was misplaced.

3. The respondent/defendant opposes this application. With regard to the plaintiff's sale invoices, it is submitted that several employees have signed these invoices and that therefore, the non-availability of a particular employee is not a justification for adducing secondary evidence. With regard to the alleged invoice of the defendant, it is stated that the said document was denied in the affidavit of admission/denial. Therefore, it is stated that secondary evidence of this document should not be allowed.



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4. Upon considering the above submissions, as regards the plaintiff's invoices, it stands to reason that the plaintiff would not have the originals thereof. As regards the defendant's invoice, the plaintiff has stated that the original invoice was misplaced. In these circumstances, subject to recording the objections of the defendant, *inter alia*, on the grounds of admissibility, relevance and proof, these documents may be permitted to be exhibited.

5. In view of the above development, it has become necessary to re-schedule the case management schedule. After ascertaining the availability of witnesses and convenience of counsel, the following revised schedule is fixed:

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| (i) Examination of PW1 | : between 11.07.2022 and 22.07.2022 |
| (ii) Service of proof affidavit of DW1 on plaintiff | : on or before 22.07.2022 |
| (iii) Examination of DW1 | : between 25.07.2022 and 29.07.2022 |
| (iv) Service of proof affidavit of DW2 on plaintiff | : on or before 29.07.2022 |
| (v) Examination of DW2 | : between 01.08.2022 and 05.08.2022 |
| (vi) Filing of written arguments and convenience typed sets | : on or before 16.08.2022. |



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List before the learned Additional Master III on
11.07.2022 for recording evidence.

List before this Court on 16.08.2022.

28.06.2022

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