



A.No.3028 of 2022 in
O.P.No.860 of 2016

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C.V.KARTHIKEYAN.,J.

I should be very careful while examining this particular Application since trial is in process and the petitioner in the O.P. is in the witness box and is being cross examined by the respondent. During the course of cross examination, it appears that a string of e-mails had been put to the witness and she had neither admitted them nor denied them nor had given any reply. She should have checked the contents to speak further.

2. The respondent in the O.P. has now filed this present Application under Order XI Rule 4 C.P.C., seeking a direction to the petitioner in the O.P. to produce the said e-mails. A counter had also been filed denying each and every statement and resisting production of the said documents.

3. It is for the witness to handle this situation. If documents are produced during cross examination and it is evident that the respondent in the O.P. / petitioner in the present Application has copies of these e-mails, and if those documents are shown to the witness and she had been confronted with them either with respect to the contents of the documents or with respect to the fact that those documents exist, the answers given by her should be recorded and thereafter, depending on the nature of the answers to such questions, during the arguments in



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C.V.KARTHIKEYAN.J.,

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the O.P., insistence can be made that adverse inference under illustration (g) of Section 114 of Indian Evidence Act, 1872 should be drawn by this Court. The present application has been filed instead of moving further with cross examination,.

4. At this stage, the Court can never issue any directions either to produce documents or even examine contents of the documents. The trial is in process. It has its own sanctity. That process should go on. I would, instead of using the word dismiss the present Application, be a little gentle and close the application.

07.09.2022

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