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A.No.3076 of 2022

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in
C.S.No.608 of 2017

G. CHANDRASEKHARAN, J.

This application is filed to receive secondary evidence for the plaint
Plaint Documents given in the schedule.

2. It is submitted by the learned counsel for the applicant that when PW1 was examined, three documents have been marked. Plaint Document No.4 has been misplaced. Plaint Document No.5 is a Government Order of year 1982. Only copy of the order is available and he is not in power or possession of original. Similarly, Plaint Document No.6 is a copy of Judgment and decree for the suit filed by predecessor in title. He has only the copy of this Judgment. The Existence of Judgment and decree is not denied by the respondent. Plaint Document No.7 original certificate is available. Plaint Document No.8 is a office copy of the Rent Control Petition filed by the plaintiff. Plaint Document No.9 is the order passed in TOS No.20 of 2009. The original letters received from CMRL shown as Plaint Document No.10 dated 09.02.2012 and 17.05.2013 have been misplaced and their copies are produced. Plaint Document No.13 is a Newspaper publication and its original



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is misplaced. Plaint Document No.14 is the office copy of the Police complaint.

Plaint Document No.15 is the acknowledgement given by the Police. Plaint Document No.16 is the original photographs and the same are available.

3. The learned counsel for the respondent opposed this application mainly on the ground that paragraph 12 of the plaint states that the plaintiff is in possession of all the documents including the property tax assessment records.

4. This Court on going through the submissions of the counsel and reasons stated in the affidavit, found that some of the documents are certified copies. Originals of some of the documents are not available and explanation is given for its non-availability and for the production of the original. These documents, according to the learned counsel for the applicant, are necessary for the purpose of proving the applicant's case.

5. Considered and satisfied with the reasons. Thus, this Court is inclined to allow this application and allowed accordingly.



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6. Registry is directed to send back this matter to learned Additional Master III for continuation of recording evidence.

31.10.2022

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