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A.No.4445 of 2022

in

C.S.No.413 of 2018

C.V.KARTHIKEYAN, J.

This application has been filed by the defendants seeking permission to produce additional documents for the purpose of trial.

2.The list of documents have been given in the judges summons. It is seen from a perusal of the same that Document Nos.2, 5, 6, 9 and 13 are electronic mails and necessarily require certificates under Section 65B of the Indian Evidence Act, 1872.

3.Mr.K.V.Babu, learned counsel for the plaintiffs had stated that the matter is pending for the defendant's evidence for quite some considerable time.

4.In the affidavit filed in support of the present application, it had been stated that the documents now sought to be produced were not filed along with the written statement or after the framing of the issues since they were not available on hand at that time. It is stated that there is a

delay.

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C.V.KARTHIKEYAN, J.

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5.Taking into consideration that it would only be appropriate that the parties are granted an opportunity to produce the documents, which they are of the opinion would substantiate their case, and holding that the said documents should be tested during the cross examination, I would permit marking of the documents, except Document Nos.2, 5, 6, 9 and 13. If certificates under Section 65B are produced relating to the said documents before the witness is actually examined, then the said documents can be marked and taken on file. Otherwise, the said documents cannot be taken on file as they are not admissible in the absence of certificate under Section 65B of the Evidence Act, 1872.

6.With the above observation, petition stands allowed.

18.11.2022

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