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A.No.3720 of 2022
in
C.S.No.302 of 2020
(Comm. Suit)

M.SUNDAR, J.,

This order will now dispose of the captioned application.

2. In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Ms.Prapti Mehta, learned counsel of M/s.Surana and Surana (Law Firm) for sole plaintiff and Mr.Bhagavath Krishnan PMN, learned counsel for both defendants are before this Commercial Division.

4. Plaintiff has taken out the captioned application *inter alia* with a prayer to permit the plaintiff to mark photocopies of 8 documents as adumbrated in the Judge's summons.

5. Learned counsel for defendants adverting to earlier proceedings made in the previous listing on 05.09.2022 submits that he has since got instructions and defendants are not objecting to marking of photocopies of 8 documents. This by itself draws the curtains on the captioned application.



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6. Before parting with the matter, this Commercial Division is of the considered view that in the light of Sections 63 and 65 of 'Indian Evidence Act, 1872' [hereinafter 'Evidence Act' for the sake of convenience and clarity] it would be ideal for learned Additional Master-II to record the objections for marking of secondary evidence, mark the documents subject to such objections and post the matter before this Commercial Division.

7. The above course of action would save time, contribute to expediting trial and this is more so in the light of the obtaining position that learned Additional Masters of this Court in any event do not have adjudication powers. Objections recorded by learned Additional Masters for marking of secondary evidence can always be considered by this Court at the time of hearing arguments in the main suit.

8. Reverting to the captioned application, the same is ordered as prayed for. There shall be no order as to costs.

31.10.2022
(2/3)

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