



A. No.5388 of 2022 in C.S. No.581 of 2013 and TR. C.S. No.713 of 2016

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of 2013 and TR. C.S. No.713 of 2016**

G.CHANDRASEKHARAN,J.

Application No.5388 of 2022 is filed seeking permission to the applicant/plaintiff to mark the photocopies of the documents mentioned in the schedule to the judges summons as secondary evidence.

2.The learned counsel for the applicant submitted that photocopies of the documents mentioned in the schedule to the judges summons were handed over by the first defendant. Since the first defendant remained exparte, the plaintiff is not able to secure the original documents from the first defendant. In the said circumstances, this application is filed for marking xerox copies of the documents, which are handed over by the first defendant, as secondary evidence.

3.The learned counsel for respondents 2 to 4 opposed this application on the ground that xerox copies cannot be permitted as secondary evidence.



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4.Considering the submission made by the learned counsel for the applicant that the suit is filed for the relief of specific performance of agreement entered into between the plaintiff and the first defendant and considering the fact that the first defendant was the one, who entered into the sale agreement with the plaintiff and the copies now sought to be produced, were handed over by the first defendant and the first defendant has remained exparte , this Court is inclined to allow this application. Accordingly, this application is allowed subject to proof and relevancy.

5.Post the matter before the concerned Master for recording of evidence. Parties are directed to appear before the Master on 05.12.2022.

28.11.2022

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