



A.No.1922 of 2023

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in
CS.(Comm.Div).No.98 of 2021

S.SOUNTHAR, J.

The instant application in A.No.1922 of 2023 has been filed by the applicant/plaintiff seeking leave of the Court to lead secondary evidence by marking photocopies of Exs.P4 to P17.

2. Though the prayer in the application is made in respect of marking of photocopies of Exs.P4 to P17, both the learned counsel for the applicant and the respondent agreed that the present application is filed in respect of plaint Doc.Nos.4 to 17.

3. It is stated by the applicant that the plaint Doc.Nos.4 to 17 were not in his custody as some of the documents were lost and the other documents were submitted to the Tax Authority.



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4. In the affidavit filed in support of this application

the applicant had averred as if the respondent had admitted the documents in his pleadings and in his statement of admission and denial.

5. In the counter affidavit filed by the respondent, it is

asserted by the respondent that he never admitted the documents filed by the plaintiff along with the plaint. It is also stated that no statement of admission and denial of the documents was filed by the defendant.

6. In view of the averments made by the applicant in his

affidavit that certain documents are lost and the other documents are submitted before the Tax Authority for getting duplicate of the lost documents, this Court is inclined to allow this application, however, with a clarification that the plaint document Nos.4 to 17 have to be marked by the applicant subject to the proof, relevancy and objection by the respondent.



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7. Accordingly, this application is allowed.

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