



A.No.2791 of 2023

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in
C.S.(Comm.Div).No.53 of 2022

S.SOUNTHAR, J.

The instant application has been filed by the applicant/plaintiff seeking leave of the Court to produce additional documents.

2. The applicant has filed a suit against the respondent/defendant for recovery of money.

3. The suit has been filed for recovery of cost of the material/tower structures supplied to the defendant and for recovery of amount retained by defendant towards liquidated damages.

4. It is stated by the applicant that the delay in



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delivering transmission towers to the defendant was caused only due to failure of the defendant to provide the prototype within the time allocated. It is also stated by the applicant that the various e-mail communications between the applicant and the respondent would prove the liability of the respondent/defendant and hence, the e-mail communications produced along with this application are very vital documents to prove the case of the applicant.

5. This application was opposed by the respondent mainly on the ground that the applicant failed to produce the certificates under Section 65B of the Evidence Act in support of Electronic Evidence sought to be produced as additional documents.

6. In view of the averments made by the applicant that the e-mail communications sought to be marked are very vital document in proving the case of the applicant, this Court is inclined to allow this



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application subject to the condition that the applicant shall produce Section 65 B certificate in respect of the e-mail communications when he attempts to mark the same and the documents now produced by the applicant may be admitted subject to relevancy and proof.

7. With these observations, this application is allowed.

20.06.2023

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