



A.No.3034 of 2003
in C.S. No.933 of 2016

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R.N.MANJULA, J.

This application has been filed by the applicant / plaintiff to permit him to mark the copies of the listed documents below as secondary evidence:

<i>Doc.No.</i>	<i>Date</i>	<i>Document</i>
1	12.09.2016	Agreement between the plaintiff and defendant
2	10.11.2016	Statement showing Demand Drafts for Rs.80 lakhs paid by the defendant
3		Postal receipt downloaded from website with 65-B certificate
4.	18.02.2023	Notice to produce document

2. Document No.1 is the copy of agreement between the plaintiff and the defendant dated 12.09.2016.

The learned counsel for the respondent / defendant has undertaken that in response to the notice, a copy of the original of Document No.1 will be produced by him.

3. Document No.2 is the copy of statement showing the demand draft for Rs.80,00,000/- paid by the defendant on 10.11.2016.

The learned counsel for the applicant / plaintiff submitted that it is a bank statement which shows the payments done by him to the defendant at the relevant point of time and this statement can be obtained from the bank and can be certified also. So there is no necessity to produce any secondary evidence as far as Document No.2 is concerned.

4. Document No.3 is the copy of postal receipts downloaded from the



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website with 65-B certificate.

The learned counsel for the applicant / plaintiff submitted that the original receipt is lost and it is available in the site and it is possible for the respondent to download the same from the website.

If the applicant is able to establish that the website is the authenticated website of the postal department, it is open to him to download a copy and produce it along with a 65-B certificate.

5. Document No.4 is the notice to produce document.

So far as Document No.4 is concerned it is only a notice to produce documents and the respondent / defendant has no quarrel to receive the same. So it need not be a document of relevance and hence it not necessary.

6. In the result, this application is allowed in part by permitting the applicant to produce a copy of Document No.3 (Downloaded Postal Receipt) alone with 65-B certificate subject to proof and relevancy.

22.06.2023

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