



A.No.3251 of 2023 in C.S No.1173 of 2009

WEB COPY **A.A.NAKKIRAN, J**

This application has been filed by the applicants/plaintiffs to permit them to mark the documents as mentioned in the Judges Summons in C.S No.1173 of 2019.

2. Heard both sides.

3. The learned counsel for the applicants submitted that during the course of marking of documents, 57 documents have been marked and for the remaining three documents viz., i) Legal opinion dated 24.05.2005 given by the Government Advocate, that the defendants 1 to 3 and the deceased (T.K.Ratnasabapathy @ Rudra Koteeswaran Gurukkal) are having marketable title for the suit property - photo copy ii) A series of 4 demand drafts all dated 02.02.2009 for a sum of Rs.33,600/- bearing No.419563, Rs.2800/- bearing no.419561 and Rs.19,500/- bearing no.419562 and Rs.1500/- bearing no.419561 submitted by the Applicants to the Corporation of Chennai, for various fees for Plot Nos.15, 16 & 17 - photo copies. iii) Private Notice sent by the counsel for a third party informing the



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order of stay passed in M.P No.1 of 2007 in W.P No.24185 of 2007 received by the Applicants, the respondents/defendants raised their objection. The above cited original documents have been filed before the authorities concerned and the same are not in the custody of the applicants and the said documents form a part of transaction in the sequence of events forming part of the whole transaction. If the applicants are not permitted to mark the above three documents as secondary evidence, irreparable loss and hardship will be caused to them and hence, in the interest of justice, he prays to mark the said three documents as secondary evidence.

4. The learned counsel for the respondents submitted that the reason stated by the applicants in the affidavit for marking of the said three documents is not bonafide one and hence, he strongly objected to allow this application.

5. Considering the facts and circumstances of the case, and in the interest of justice, this Court is inclined to permit the applicants/plaintiffs to mark the three documents as mentioned in the Judges as secondary



evidence, however, subject to admissibility, relevancy and proof.

Accordingly, this application is allowed.

6. Registry is directed to list the main suit before the Additional Master-I, for recording of evidence on 10.08.2023.

02.08.2023

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