



A.No.3868 of 2023 in TOS No.26 of 2011

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

This application has been filed by the applicants/defendants to permit them to mark the photostat copy of documents as mentioned in the Judges Summons in TOS No.26 of 2011.

2. Heard both sides.

3. The learned counsel for the applicants submitted that during the course of marking of documents, 29 documents have been marked and for the remaining eighteen photocopy of documents as mentioned in the Judges summons, the respondents/plaintiffs have raised their objection. Despite best efforts to trace the originals, the same could not be traced out and hence, the present application is filed to permit the applicants to file the documents mentioned in the list of documents annexed to Judges Summons. If the applicants are not allowed to mark the photocopy of the documents, irreparable loss and hardship will be caused to them. On the other hand, no prejudice would be caused to the Respondents. Hence, he prays to allow this application.



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4. The learned counsel for the respondents submitted that the above 18 documents sought to be marked are all photocopies and they are not relevant to the issue on hand in the above suit and the reason stated in the affidavit for marking of the above 18 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/defendants to mark the eighteen 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 16.08.2023.

02.08.2023

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