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A.No. 3803 of 2023

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in
C.S. No. 378 of 2014

P.T.ASHA, J.

The above application is filed to permit the applicant to file photocopies of documents as secondary evidence.

2. This Court by order dated 22.06.2023 had directed the matter to be listed before the Master on 13.07.2023 for the examination of the P.W.1. The defendant had been called absent and set exparte on the said date. However, on 13.07.2023, when the matter was listed before the Additional Master IV, the learned counsel for the plaintiff had represented that they had taken out an application for receiving secondary evidence and the matter was adjourned to 27.07.2023.



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3. On the said date, an application was filed to amend the name of the defendant from M/s.Purpple Entertainments to M/s.Purpple 7 Entertainments, since assignment agreement dated 28.02.2013 would show that the agreement was entered into between the plaintiff and M/s.Purpple 7 Entertainments. The amendment application was ordered on 27.07.2023 and thereafter the matter was listed on 03.08.2023.

4. Since three of the documents related to cheques for which the plaintiff wanted to file xerox copies, this Court had directed them to produce bank statement showing that the cheques issued to the defendant had been encashed by the defendant and the matter was listed on 11.08.2023. The said document has also now been produced before this Court, which clearly shows the date of the cheques as well as the fact that the cheques have been encashed.

5. The plaintiff in the affidavit filed in support of the



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application has given out the reasons for non-production of the original documents in tabulated statement in paragraph no.5.

These documents are the documents which forms the fulcrum of the plaintiff's case. Taking into account the fact that the plaintiff has produced the certificate from their bankers, which proof shows that the amounts have been debited from the plaintiff's account and as the documents relate to correspondence between the parties, the reasons given by the applicant in their affidavit appears to be reasonable and sufficient and therefore the application is ordered as prayed for.

6. PW1 shall appear before the IV Additional Master on 29.08.2023 at 10.30 a.m., to adduce evidence. For filling written arguments, post the matter before this court on 05.09.2023.

22.08.2023

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