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A.No.4946 of 2022

in

C.S.No.42 of 2021

SENTHILKUMAR RAMAMOORTHY, J.

By this application, the plaintiffs seek permission to adduce secondary evidence in respect of the seven documents described in the schedule to the Judge's summons.

2. As regards the documents listed in Sl.Nos.1 and 2 of the schedule, learned counsel for the applicant states that the originals are admittedly with the respondents. As regards Sl Nos.3 to 6, learned counsel submits that Sl.Nos.3 and 4 are lawyer's notices issued by the applicants; Sl.No.5 is a representation from the applicants; and Sl.No.6 is an application signed by Mrs. Kamakshi Ammal while applying for a ration card. With regard to Sl.No.7, it is stated that it is an old ration card in which the name of Mrs.Kamakshi Ammal was included.

3. Learned counsel for the respondents/defendants objects to this application being allowed. In particular, learned counsel submits that there is no proof of receipt as regards the documents listed in Sl.Nos.3 to 6.



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4. Upon considering the above submissions, the applicants have established reasonable cause to permit secondary evidence being adduced in respect of the 7 documents albeit subject to objections by the respondents on grounds other than that the documents are not originals.

5. Accordingly, this application is allowed subject to the right of the respondents to raise objections *inter alia* on grounds of admissibility, relevance and proof.

16.02.2023

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