



A.No.6030 of 2022

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in C.S.No.368 of 2020

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SENTHILKUMAR RAMAMOORTHY, J.

By this application, the plaintiff seeks permission to file the additional documents specified in the Judge's summons. The documents sought to be filed by the plaintiff are the photocopies of invoices and an e-mail of 11.10.2018 with the attachment thereto.

2. Learned counsel for the first defendant opposes this application on the ground that these are photocopies. Secondly, learned counsel contends that the e-mail does not have any content and merely indicates that there is an attachment thereto. He also submits that Section 65B of the Indian Evidence Act has not been complied with.

3. In response to these objections, learned counsel for the plaintiff states that the original invoices are not in the possession, control or custody of the plaintiff because the said invoices were issued by the first defendant to its customers.



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4. In these circumstances, this application is liable to be and is, hereby, allowed on the following terms:

(i) the applicant shall comply with Section 65B of the Evidence Act.

(ii) the applicant shall file an affidavit or application providing reasons for being unable to produce primary evidence.

(iii) the receipt of these documents shall be subject to objections of the first respondent *inter alia* on the grounds of admissibility, relevance and proof.

5. List the matter before the learned Additional Master No.I on 23.02.2023 for recording evidence.

08.02.2023

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