



Order dated 05.06.2024 in
A.No.1342 of 2024
in C.S.(Comm.Div).254 of 2022

WEB COPY

Application No.1342 of 2024 in C.S.(Comm.Div).No.254 of 2022

P.VELMURUGAN, J

This application has been filed to grant leave to the applicant/plaintiff-Company to lead secondary evidence to prove the documents listed in paragraph 9 of the affidavit filed in support of the present application and also appended to Schedule-A to this application.

2. Already, the applicant/plaintiff has filed A.No.6607 of 2023 to grant leave to file additional documents listed in paragraph 4 of the affidavit in A.No.6607 of 2023 and Schedule-A appended therein. As the respondents/defendants had no objection, A.No.6607 of 2023 was allowed on 20.12.2023. Therefore, the documents appended in A.No.6607 of 2023 were brought on record.

3. Now, the present application is filed to lead secondary evidence in respect of the documents attached to the present application.

4. Though the applicant/plaintiff had not specified acceptable reasons for not filing the originals in respect of the documents mentioned in Schedule-A , as the applicants/plaintiffs have filed only copies of those documents in Schedule-A annexed herein, as far as the electronic evidence is concerned, the plaintiffs have not filed a certificate under Section 65-B of the Indian Evidence Act. Since already the documents were received in A.No.6607 of 2023 by order dated



Order dated 05.06.2024 in
A.No.1342 of 2024
in C.S.(Comm.Div).254 of 2022

20.12.2023, now the present application is only for leading secondary evidence as per Section 65-B of the Indian Evidence Act.

5. However, it is settled proposition of law that, mere marking of the documents, will not be a proof of the documents, and therefore, the relevancy and validity of the documents can only be proved after trial/after recording evidence and therefore, the present application is allowed, without prejudice to the rights of the respondents/defendants to take defence/objection, in respect of validity of the documents appended in Schedule-A herein, sought to lead as secondary evidence in the present application. It is made clear that this application is allowed only for the limited purpose of marking the documents appended to Schedule-A herein.

6. Both parties are directed to file draft issues, if any, in the suit, on or before 18.06.2024.

7. List the suit for hearing on 19.06.2024.

05.06.2024

CS



WEB COPY



Order dated 05.06.2024 in
A.No.1342 of 2024
in C.S.(Comm.Div).254 of 2022

P.VELMURUGAN, J

CS

A.No.1342 of 2024
in
C.S.(Comm.Div).254 of 2022

05.06.2024