



A.No.2215 of 2023
in C.S.No.105 of 2018

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N.SATHISH KUMAR, J.

This application has been filed to permit the applicant/plaintiff to mark the documents as secondary evidence on the side of the applicant/plaintiff in the above suit.

2. The main contention of the applicant is that despite various notices sent to the respondent/defendant to produce the copy of the representations sent to various authorities containing derogatory statements against the plaintiff, the said copies have not been furnished by the respondent. Therefore, he has no other option except to file the photocopies of the representation sent to various authorities by the respondent. Hence, seeks permission of this Court to file those documents.

3. Though the elaborate counter narrating events started prior and after filing of the suit, the crux of the counter as found in paragraph 22, it is stated as if as if the plaintiff has the copies of true copies of originals. Therefore, according to the respondent, the copies cannot be furnished.



4. During the submissions, when this Court pointed out as to whether the respondent who was present in this Court has supplied the copies of the representation sent to the various authorities in terms of the notice given by the plaintiff, she has submitted that she has not retained any copies, she is only possessed with xerox copies. Further, when Court queried as to the documents sought to be filed, it is admitted by the respondent that these are all the photocopies of the various representations sent to the authorities. Such being the position, when the originals are not in possession of the applicant and he also given notice to the other side to produce the documents in their possession which has not been produced and the photocopies have not been disputed by the other side, this Court left with no other option except to hold that applicant is entitled to file those documents as secondary evidence.

5. Accordingly, this application is ordered and the documents will be received subject to proof and relevancy.

03.01.2024

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