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O.A.Nos.2143 and 2754 of 2024

Application Nos.2143 and 2754 of 2024  
in  
C.S.(Comm.Div.) No.16 of 2021

**ABDUL QUDDHOSE, J.**

Application No.2143 of 2024 has been filed by the defendants seeking permission of this Court to file additional documents. The learned counsel for the respondent/plaintiff has not raised any serious objection for allowing this application.

2. This Court is also satisfied with the reasons contained in the affidavit filed in support of this application as sufficient cause has been shown. Accordingly, Application No.2143 of 2024 is allowed as prayed for.

3. Application No.2754 of 2024 has been filed by the defendants seeking permission of this Court to file the documents listed out in the schedule to the judges summons by way of secondary evidence. The applicants/defendants have given reasons for not filing the original of those documents at the time of filing of the suit.

4. A counter affidavit has also been filed by the respondent/plaintiff to the said application objecting to the marking of the documents by way of secondary evidence.



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WEB COPY 5. Though serious objection has been raised by the respondent/plaintiff for marking of the documents by way of secondary evidence, this Court, considering the nature of the documents which are sought to be marked as secondary evidence, is of the considered view that no prejudice will be caused to the respondent/plaintiff if the same are allowed to be marked as exhibits by way of secondary evidence, subject to admission, proof and relevancy.

6. For the foregoing reasons, Application No.2754 of 2024 is allowed as prayed for. However, it is made clear that the documents are allowed to be received by way of secondary evidence subject to admission, proof and relevancy. The respondent/plaintiff is permitted to cross-examine the witness with regard to veracity of those documents.

Post the matter for case management hearing and for framing issues on 25.11.2024.

**04.11.2024**

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