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A. No.4715 of 2024

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in
C.S. No.758 of 2009

ABDUL QUDDHOSE, J.

A. No.4715 of 2024 has been filed by the plaintiff seeking leave of this Court to tender secondary evidence with regard to the plaint Document No.13 viz., valuation report of March 2006 submitted by the CBRE, South Asia, regarding plaint schedule property.

2. The applicant / plaintiff has stated in the affidavit filed in support of this application that CBRE, South Asia's representative had deposed before this Court that they do not have record of the said valuation report said to have been given by them. According to the plaintiff only under those circumstances, there became a necessity to file this application.

3. The learned counsel for the 3rd defendant submits that since the said CBRE South Asia's valuation report which was said to have been received by the 3rd defendant from the CBRE, South Asia is not available with the 3rd defendant and therefore, they cannot confirm the receipt of the valuation report said to have issued by the CBRE South Asia in March 2006.

4. The learned counsel for the 4th defendant would refer to paragraph No.6 of the counter filed by the 4th defendant in this application and would submit that the 4th defendant disputes the existence and the execution of the



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valuation report of March 2006, said to have been issued by the CBRE, South Asia.

5. This Court after giving due consideration to the submissions made by both the learned counsels is of the considered view that no prejudice would be caused to any of the parties, if this application is allowed, subject to the condition that the plaintiff is permitted to let in secondary evidence in respect of the valuation report of March 2006 said to have been issued by the CBRE, South Asia regarding plaint suit schedule properties, subject to its admission, proof and relevancy.

6. In terms of the aforesaid directions, A. No.4715 of 2024 is allowed, subject to the admission, proof and relevancy of the documents. The respondents / defendants are permitted to cross examine the witness with regard to the veracity of the CBRE, South Asia valuation report of March 2006 during the course of trial.

7. Post the matter before the learned Additional Master-I for recording evidence.

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