



A.No.4905 of 2024
in
C.S.No.408 of 2018

DR.G.JAYACHANDRAN,J.,

This application is filed to let in photocopy of the draft Rectification Deed unknown dated March 2016 as secondary evidence.

2. The learned counsel appearing for the applicant states that only while draft the rectification deed produced by the husband of the defendant, the applicant came to know about the existing two properties at Chennai and thereafter calculating information about the property he has laid the suit. Therefore, marking of the unregistered draft rectification deed is necessary and it being a photocopy, the same to be admitted in evidence as a secondary evidence.

3. The said application is opposed by the respondent stating that the seized of papers trial as rectification deed will not file meaning for a secondary evidence as defined under Section 63 of the Indian Evidence Act.

4. This Court after considering the submissions made by the counsels is of the view that though the learned counsel for the applicant states that he is not relying upon the content of the document but he need the document to be admitted for the purpose of establishing his knowledge about the existence of the properties at Chennai which is the subject matter of the draft rectification deed given to him by the husband of the respondent.



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DR.G.JAYACHANDRAN,J.,

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5. Being a unsigned / unregistered and photocopy of the original, the applicant has to first establish about the existence of the primary document which can be done by subpoena the husband of the respondent. Therefore, A.No.4905 of 2024 is dismissed without prejudice to the rights of the applicant to recourse to the other proceedings contemplated under the Indian Evidence Act as a secondary evidence/secondary document.

6. Call the matter before the learned Additional Master No.II on 09.12.2024 for further proceedings.

18.11.2024

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