



A.No.6899 of 2023
in C.S.No.385 of 2020

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N.SATHISH KUMAR, J.

This application has been filed seeking to permit the plaintiff to let in secondary evidence for the plaint documents and to mark the same as exhibits on the plaintiff side evidence.

2. The second respondent has not disputed the document, the only concern of the learned counsel for the second respondent is that since the notice to produce the documents is not given. According to second respondent, the original document is with the third respondent, however, the learned counsel for the third respondent has disputed the documents and seeks time to file counter. This Court is of the view the third respondent can very well produce the documents before this Court so as to establish the fact that those documents are not admitted document. Since the application has laid a foundational fact for producing the copy in the pleadings that those documents were misplaced, this Court is of the view that mere reception of documents or marking of the documents will not amount to proof, the marking and proof, are relevancy are totally distinct acts.



N.SATHISH KUMAR, J.

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3. It has to be seen only at the time of the disposal of the suit. Such view of the matter, the applicant is permitted to file those documents, the respondents/defendants can raise any objections. If there is genuine reasons, it will be noted in the deposition by the learned Master and the relevancy of proof will be decided by the Court at the time of disposal of the suit. Accordingly, this application is ordered.

03.01.2024

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