



A NO. 1036 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1036 of 2025

in C.S.No.182 of 2019

V.Sivaraj
No.1/13, 3rd Reddy Street, Ekkattuthangal Ch 32

Applicant(s)

Vs

Chandru
S/o. Irulappa Pillai, Village Administrative Officer, No.2/490,
V.O.C. St, Vedathri Nagar, Dindigul Dt. and 13 Others

Respondent(s)

For Applicant(s):

M/s.R. Ramya
SURESHSAMPATH
B.Arvind Srevatsa

For Respondent(s): G.Ilamurugan

ORDER

The present application had been filed to permit the applicants/ plaintiffs to let in secondary evidence regarding the plaint Document No.38 namely the notice issued by the second defendant under Section 41-A of Cr.P.C., calling upon the first plaintiff to appear before them on 18.02.2019 and permit the applicants/ plaintiffs to mark the photocopy of the same.



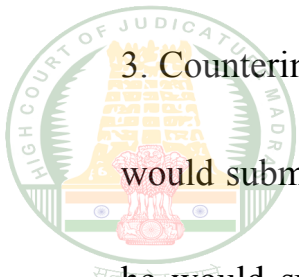
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2. Mrs.R.Ramya, learned counsel appearing for the applicant would submit that ~~had been~~ issued under section 41A of Cr.P.C. dated 14.02.2019 calling upon the applicant/

plaintiff to appear before the second defendant on 18.02.2019 and that the said summons

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were also challenged by the applicant before this Court in CrI.O.P.No.4490 of 2019. She would further submit that the original notice had been misplaced and even after diligent search the applicant was unable to trace the same. Hence, the photocopy of the same could be permitted to be marked as secondary evidence. She had also placed on record the application sent by the applicant to the Public Information Officer of the Commissioner's Office seeking for a copy of the said notice served on them. A reply had been emanated from the Public Information Officer enclosing a copy of the letter of the Inspector of Police, Central Crime Branch-III, Gamma-II, Land Fraud Investigation Wing-1, Vepery, Chennai-600 007, indicating that such notice had been served upon the applicant and that the same might be available with them. In such an event she would submit that there has been a notice under section 41A Cr.P.C. from the Department which is dated 14.02.2019 that is to be marked, which is only a photocopy of the said document for which the present application had been filed by the applicant. Therefore she would submit that there is no impediment in granting leave that has been sought for.



3. Countering her arguments, Mr.G.Ilamurugan, learned counsel appearing for the defendant would submit that even in the plaint there is only vague allegation of such a notice. Further,

he would submit that there is no relevancy of the said documents in the present suit. He

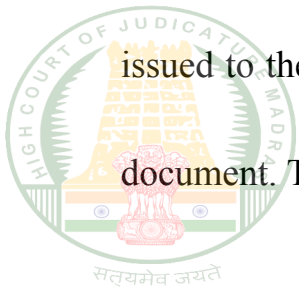
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would contend that the entire application itself is vexatious only to protract the proceedings and nothing else. Therefore, he seeks to dismiss the said application.

4. I have considered the submissions made by the learned Counsels appearing on either side and perused the materials available on record.

5. What is sought to be received as secondary evidence is the notice under section 41A of Cr.P.C. dated 14.02.2019. It is the case of the applicant that the said document had been misplaced and in spite of valiant efforts the same could not be traced. The applicant had in extenso pleaded in the plaint about various incidents which had occurred between 14.02.2019 and 18.02.2019 and also alleged issue of such notice on him during the custody. The defendant in his written statement had blankely denied the various allegations made by the plaintiff in paragraph number 10 to 24 of the plaint.

6. The reply given to the applicant in RTI would also indicate that such a notice had been



issued to the applicant and therefore, it cannot be said that the said document is not a document. The department had also accepted the issuance of such notice to the applicant.

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In such view of the matter, I do not find any compelling reasons to reject the claim of the applicant and in fine the application is ordered and the Judge's summons indicated document namely the photocopy of the plaint Document No.38 is permitted to be accepted as secondary evidence.

19-03-2025

Gba

To

1. Chandru

S/o. Irulappa Pillai, Village Administrative Officer, No.2/490, V.O.C. St, Vedathri Nagar, Dindigul Dt.

2. K.Murugan

3rd party cell, no.67/68, Sheikpet, Nadu st, Kancheepuram.

3. P.Muthulakshmi

Director(finance), India Optel Limited Corporate Hq, India Optel Ltd, (ofil Campus)(raipur, Dehradun-248008

4. P.Krithika Priyadharshini

D/o.Late.G.Boovaraghavan, No.2, Corporation Model Lane, Chetpet, Chennai.600 031.

5. S.Lalitha

Director(operations And Hr) Gliders India Ltd, Gt Rd, Drdo Kanpur, Uttar Pradesh-208 013

6. I.Shankari

D/o.Late.G.Boovaraghavan, No.2, Corporation Model Lane, Chetpet, Chennai .600 031.

7. Shri Surendra Dhapodkar

Director (finance), Gilders India Ltd, Gt Rd, Drdo Kanpur, Uttar Pradesh-208013



8. Shri. Ajay Kumar Yerpude

Executive Director, Ordnance Factory Muradnagar District-ghaziabad, Uttar Pradesh-

201 206

9. Shri Amit Singh

General Manager, Ordnance Equipemtn Factory, No.19, National Highway, Hazratpur, Garhijafar, Uttar Pradesh-283103

10. Shri M.C.Balasubramaniam

General Manager, Gliders India Ltd, Gt Rd, Drdo Kanpur, Kanpur, Uttar Pradesh-208013

11. Shri Prabir Kumar Sarkar

Chief General Manager, Steel Authority Of India Limited Ltd, Ispat Bhawan, Lodhi Road, New Delhi-110 003

12. Dr.Ramakant Dixit

Chief General Manager, Spmcil, 16th Floor, Jawahar Vyapar Bhavan, Janpath, New Delhi-110 001

13. Shri Kamalakanta Nayak

Additional General Manager, Cfo, Utility Powertech Ltd, Eoc Annexe, Ntpc Ltd, Plot No.A-8a, Sector-24 Noida District-up-201301

14. Shri Pravin Kumar

Chief General Manager Cgm(services), Rashtriya Ispat Nigam Limited (rinl) Adminstrative Building, Visakhapatnam Steel Plant, Visakhapatnam, Andhra Pradesh-530003