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A. No.2506 of 2025

in

C.S. No.100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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in

C.S. No.100 of 2024

1. Euphoric Innovations Private Limited
Plot No.10-12, SIDCO Industrial Estate,
Malumichampatty (PO), Coimbatore,
Tamil Nadu, India.
represented by its Authorized Signatory
Mr. Binu Rajendran

2. Walkaroo International Private Limited,
Plot No.10-12, SIDCO Industrial Estate,
Malumichampatty (PO), Coimbatore,
Tamil Nadu, India - 641 050..
represented by its Authorized Signatory
Ms. Drishya J Moses

... Applicants / Plaintiffs

vs.

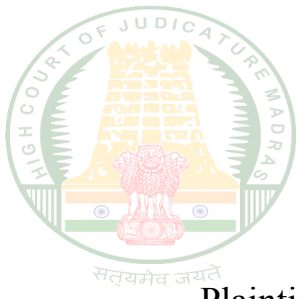
Shahin PPK S/o. Basheer PPK

... Respondent / Defendant

PRAYER: Application filed under Order XIV, Rule 8 of Original Side Rules

read with Section 63 of Evidence Act praying to permit the applicants /

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Plaintiffs to lead secondary evidence by marking the true copies / notarized

photocopies of Ex.A3 to A11, A15-A17, A19, A21, A24, A26, A27 and A36 in

C.S. No.100 of 2024.

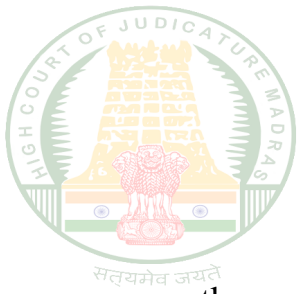
For Applicants : Ms. R. Vidhya Shankar

For Respondent : Mr. K.V. Sundararajan

ORDER

This application has been filed by the applicants to permit them to lead secondary evidence by marking the true copies / notarized photocopies of application-mentioned documents in C.S. No.100 of 2024.

2. According to the applicants, they are the Plaintiffs in the main Suit and they filed the main Suit for the reliefs of permanent injunction and compensation. At the time of filing the main Suit, they had not produced



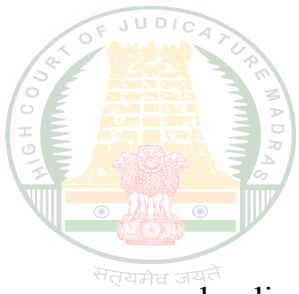
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those documents and now only they are able to get those documents and therefore, they have filed this application to permit them to mark those documents as secondary evidence. Already the applicants have filed another application to receive the documents. Therefore, the copies of the documents have to be received as secondary evidence.

3. The respondent filed a counter stating that in the Proof Affidavit, the applicants have filed 36 documents, whereas in the Suit, they produced only 15 documents. Even in the reply statement, they mentioned only 2 documents. So far, the documents have not been received by this Court. Therefore, this application is not maintainable and without receiving the documents, the present application has been filed under Section 60 of the Bharatiya Sakshya Adhiniyam, 2023 and the affidavit is not satisfied with the conditions stipulated under Section 60 of Bharatiya Sakshya Adhiniyam, 2023. Therefore, the application is not maintainable and the same is liable to

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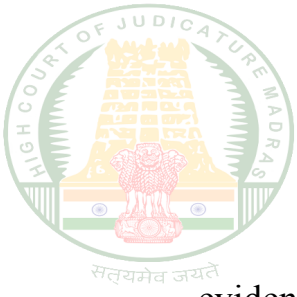
be dismissed.

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4. Heard both sides and perused the records.

5. This application has been filed to permit the applicants to lead secondary evidence by marking copies of documents. According to the applicants, the true copies have been produced, since the applicants are not in a position to produce the original documents and some of the documents are in safe custody of the Plaintiffs. The applicants have not stated any valid reasons for not producing the original documents and this Court also passed an order to receive the documents subject to proof and relevancy. Therefore, the Court, at the time of marking the documents, has to verify as about the admissibility of the documents. The proof and the relevancy of the documents can be tested at the time of final hearing of the case. Therefore, at this stage, this Court need not pass any orders in respect of the secondary

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evidence and if the applicants satisfy the conditions required under Section 60 of the Bharatiya Sakshya Adhiniyam, 2023, the Court can consider the documents at the time of final hearing.

6. With the above observations, this application is *disposed of*.

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