



WEB COPY



A NO. 5118 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A NO. 5118 of 2025

in

C.S.No.2 of 2024

1.Mr. P.Gopinath
2.Mr. S.R.Prabhu
3.Mr. S.R. Prakash Babu
4.Mr. R. Thanga Prabakaran

Vs

Applicants

1.Mr. M.R. Mohan Ratha
2.Mrs. Kritia Mohan Ratha

Respondents

For Applicants : Dr. S.S. Swaminathan

For Respondents : No Appearance

ORDER

This petition has been filed to receive the following documents namely,
(i) the original of the letter dated 25.03.2011 and 13.01.2012 by the first respondent/1st defendant accepting and agreeing the amount due to the applicants/plaintiffs; and (ii) the xerox copies of the Demand Drafts of the mortgage amount given to the 1st respondent/1st defendant mark the same as exhibits on the side of the plaintiffs.



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2. According to the applicant/plaintiff, the main suit has been filed for recovery of money based on the registered mortgage deed. It is stated that P.W.1 has already been examined, and certain documents have been marked. However, during the course of cross-examination, it was found that the original documents had not been marked. Hence, the present application has been filed to receive and mark the said original documents.

3. On the earlier occasion, the other side was not present, and even today, there is no appearance on their behalf.

4. Though in the main case, the defendants appeared through their counsel, after numbering the application, this Court took up the matter for adjudication from 04.11.2025 to 11.11.2025, for filing the counter, none appeared and there was no representation for the respondents.

5. Considering the nature of the application and the fact that the said original documents were not marked at the time of filing the main suit, and since the applicants seeks to produce the same for effective adjudication of the case, this Court is inclined to allow this application and the documents can be received, subject to proof, relevancy and admissibility.



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6. The respondents/defendants are at liberty to raise any objection regarding the admissibility, relevancy, or proof of the said documents at the time of marking the documents.

7. Accordingly, this application is allowed.

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P.DHANABAL, J.

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