

CS DJ No. 610458/2016
Koras (India) ltd. v. Ashish Kumar Ahooja

04.08.2023

Present: AR of plaintiff with counsel.

Ld. Counsel for defendant.

An application u/s 65 (c) of Indian Evidence Act has been moved on behalf of the plaintiff.

In the application, it is submitted that the plaintiff intended to prove three documents i.e.(1) agreement entered into between Kores (India) Ltd. and H.P India Ltd. being agreement no. AD406 effective from 01.04.2000 (2) Agreement entered into between Kores (India) Ltd. and H.P India Ltd. being agreement no. AG406 effective from 01.12.2003 and (3) agreement entered into between Kores (India) Ltd. and H.P India Ltd. being agreement no. AG406 effective from 01.07.2005. These documents were in possession of H.P India Ltd. which have stated that they are no more with them. Hence, the plaintiff is praying that in terms of section 65 (c) of Indian Evidence Act, these documents should be considered as secondary evidence admissible in law.

Section 65 of Indian Evidence Act is about leading secondary evidence and provides the conditions thereof. At this stage, the court cannot pass any order or grant any prayer as has been demanded by the plaintiff. It is only at the final stage that the plaintiff has to prove and convince the court that the above said documents have been proved as per section 65 of Indian Evidence Act and all the conditions required

(Parveen Singh)
ADJ-11/Central/THC/Delhi/04.08.2023

therein have been met whereafter necessary result shall follow. Hence, the application at hand is dismissed being not maintainable.

PE has been closed vide separate statement.

Put up for DE on 09.10.2023. Advance copy of affidavit be supplied to the plaintiff 07 days prior to the next date of hearing. Steps for summoning of witnesses, if any, be taken within 15 working days.

(Parveen Singh)
ADJ-11/Central/THC
Delhi/04.08.2023

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