

**IN THE COURT OF JUDGE, COMMERCIAL COURT
(DISTRICT JUDGE CADRE), COIMBATORE**

Present: **Thiru. K.Hariharan, M.L.,**
Judge,
Commercial Court (District Judge Cadre),
Coimbatore

Tuesday, the 24th Day of February 2026

I.A. No.1 of 2026

in

C.O.S. No.49 of 2025

(CNR No.TNCB22-000110-2025)

M/s. Chromaprint India Pvt. Ltd.,
Rep. by its General Manager Mr.S.Murali, Petitioner / Plaintiff

// Vs //

M/s. Accord Distillers & Brewers Pvt. Ltd.,
Rep. by its Authorized Signatory ... Respondent / defendant

This petition came up for final hearing before me on 16.02.2026 in the presence of M/s. Ramani & Shankar, Advocates for the petitioner / plaintiff and respondent / defendant has remained exparte in the suit proceedings and upon perusing the records, hearing enquiry on the side of petitioner and having stood over for consideration till this date, this court doth passed the following:-

ORDER

This petition has been filed by the petitioner / plaintiff seeking to admit petition mentioned documents as secondary evidence in the present suit under Section 60 of Bharatiya Sakshya Adhiniyam Act (BSA), 2023 r/w Section 151 of C.P.C.

2. The petition averments which are found essential for the Disposal of the petition is that:-

It is the submission of the petitioner / plaintiff that the company of the petitioner have been incorporated on 31.03.2005 and they are engaged in the business of printing and allied materials. In their regular course of business the respondent / defendant company had approached the plaintiff for supply of labels essential to their operations. The transactions had been taken place from the year 2010. The respondent / defendant so far unconditionally accepted the supplies made by the petitioner / plaintiff under several Tax Invoices. The petitioner was maintaining the running account in respect of the transactions and so far the balance outstanding due from the respondent to the petitioner is Rs.41,40,824/-. Since the said amount has not been paid by the respondent / defendant, the petitioner / plaintiff has come up with the present suit. To show that the goods were supplied to the defendant, the petitioner / plaintiff has the lorry receipts for transporting the goods to the respondent / defendant and submit that only copy of the receipts evidencing the delivery of the goods are now available with the petitioner and state that the Original Receipts have been lost or misplaced and unable to be traced and submit that the receipts are genuine and are being filed along with the present suit. Hence, the petitioner has not sought for to admit those documents as secondary evidence to substantiate their claim and sought for to allow the petition.

3. The defendant has called absent and set exparte in the suit proceedings all along.

4. **Point for Consideration:-**

Whether the petition could be allowed?

Point:-

5. The petitioner / plaintiff has come up with the present petition seeking to mark the petition mentioned documents which are the photocopies of the receipts of transport of goods to the respondent / defendant by the plaintiff. It is the submission of the petitioner that the original receipts have been lost. This Court would consider that Section 60 (c) of the Bharatiya Sakshya Adhiniyam Act (BSA), 2023 enables for giving of a secondary evidence, when the original has been lost or destroyed. The present petition mentioned documents is mentioned to have been lost by the petitioner and sought for to allow the petition. The respondent remains exparte and have not turned up after the summons in the main suit. Considering that the parties are to be parted with substantial justice, this Court would consider appropriate to allow the petition.

6. **In the result the petition is allowed. No Costs.**

Dictated to the Steno-Typist, directly computerized by him, Corrected and Pronounced by me, on the **24th Day of February 2026.**

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore

List of Witnesses examined on both sides:- Nil

List of documents marked on both sides:- Nil

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore