

M.S. - 183/22

Present: Smt Sonia Majumdar, Judge, Bench-II. (WB01128)

Order 21
27.03.26

Today is fixed for hearing application for secondary evidence filed by the plaintiff on 21.05.24. Ld. Advocate for the plaintiff is present.

Ld. Advocate for the plaintiff bank submits that the plaintiff bank has lodged an FIR against the defendant before Burtolla P.S. u/s 120B, 419,420,467,465,468 & 471 of IPC and for investigating the case, police has seized certain original documents relating with the case like the original loan documents and the original demand notice which are required for adducing evidence. In the above circumstances, the plaintiff bank claims that the bank is not in a position to adduce evidence in respect of the said documents but the plaintiff is having photocopy of the said documents. So, the plaintiff bank has prayed for treating the xerox copies of the documents as secondary evidence.

Heard. Perused the application as well as the record. Considered.

On consideration of the same I am of opinion that in case the original documents have been seized by the police for investigation of the case then in that case the plaintiff may file certified copies of the same before the Court to prove his case and there is no need to treat the xerox copies as secondary evidence.

Hence, it is

Ordered

that the application for secondary evidence filed by the plaintiff on 21.05.24 in M.S. no 183 of 2022 be and the same is rejected exparte.

Fix 16.06.2026 for exparte hearing of the suit.

D/C by me

Judge

Sd/-

Judge 2nd Bench,
City Civil Court, Calcutta.