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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10614/2018**

M/S MITTAL TRADING COMPANY AND ANR.....Petitioner

Through: Appearance not given

versus

SHRI ASHOK KUMAR AND ANR.Respondent

Through: Mr. Nishant Rajara and Ms. Sheetal,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **30.04.2026**

1. The present petition has been filed assailing the order dated 06.06.2018 passed by the Tribunal, whereby the petitioner-management is aggrieved by the finding that photocopies of the attendance register produced by the workman are to be treated as primary evidence.

2. Learned counsel for the management submits that while the management does not deny maintaining the attendance register, it is contended that the same has been lost. It is further submitted that the management has also doubted the photocopies produced by the workman, claiming it to be forged.

3. Learned counsel for the workman, on the other hand, submits that besides the present workman, other workmen had also approached the Tribunal, wherein similar photocopies of the attendance register were admitted and treated as secondary evidence, and an award has already been



passed on 25.02.2025. A copy of the said award has been physically handed over in Court.

4. Considering that the workman's case is of producing photocopies, the original of which is stated to be in the possession of the management, which is not denied, however, it is claimed that the same is lost, as of now. Such a plea would squarely attract Section 65 of the Indian Evidence Act. In these circumstances, the photocopies produced by the workman are liable to be treated as secondary evidence.

5. Accordingly, the impugned order is modified to the extent that the photocopies of the attendance register will be treated as secondary evidence.

6. In view of above, the present petition is disposed of.

MANOJ KUMAR OHRI, J

APRIL 30, 2026

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