

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.114 OF 2015**

Smt. Kalyani Suryakumar,
56 years of age,
c/o T. Venkata Karthik,
CMM, Commercial Complex,
1st Floor, Survey no.21/10,
Renovadi, Mercedes, Tiswadi,
Goa-403 005.

.....Petitioner

V/s

Shri T.V. Suryakumar,
52 years of age,
resident of F-1, Moonlight Apartments,
Churchward, Mollar Cross,
Corlim, Goa.

....Respondent

Ms. Susan Linhares, Advocate for the Petitioner.
Mr. Sanjay Mangeshkar, Advocate for the Respondent.

CORAM : F.M. REIS, J.

DATE : 24th JULY, 2015

ORAL JUDGMENT :

Heard Ms. Susan Linhares, learned Counsel appearing for the petitioner and Mr. Sanjay Mangeshkar, learned Counsel appearing for the respondent.

2. Rule. Heard forthwith with the consent of the learned Counsel.
Learned Counsel appearing for the respondent waives service.

3. Upon hearing the learned Counsel appearing for the respective parties, the learned Counsel appearing for the petitioner has raised three grievances with regard to the impugned orders passed by the learned Civil Judge, Senior Division: one is with regard to the refusal to permit the petitioner to rely upon the original letter dated 31/10/2012 referred to at para 3(a) of the application dated 21/12/2013; the other is with regard to certified copies obtained of the charges framed by the learned JMFC in Criminal Case No.132/2000 and a copy of the complaint lodged by the petitioner dated 13/11/2012.

4. With regard to the letter dated 31/10/2012, the learned Counsel appearing for the respondent submits that the respondent has no objection provided the original copy of such letter is produced. With regard to the second document namely the certified copy of the charges framed in the criminal proceedings there is no reason to refuse leave to the petitioner to rely on such order as it is stated to be a certified copy from the Court. As far as the copy of the complaint dated 13/11/2012, the petitioner would have to proceed to comply with the provisions of Section 65 and other provisions of the Evidence Act and only thereafter proceed to seek leave to lead

secondary evidence, in accordance with law.

5. Subject to above there is no case for any interference in the impugned order. Rules stands disposed of accordingly.

F.M. REIS, J.

NH/-