

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 368 OF 2015

Babasaheb Vishnu Jadhav	..	Petitioner
VS.		
Kesharbai Vishnu Jadhav	..	Respondent

Mr. Tushar Sonawane for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 18 MARCH 2015

P.C. :-

1] This petition questions the order dated 10 December 2014 declining leave to produce secondary evidence in respect of document dated 2 December 1993, which according to the petitioner is a Deed of Relinquishment.

2] There was no reference to the document in the plaint. The document was not relied upon at the stage when the suit was instituted. The application seeking leave to produce secondary evidence also does not comply with the predicates prescribed under Section 65 of the Evidence Act. Accordingly, there is no jurisdictional error in the impugned order. This petition is therefore dismissed.

(M. S. SONAK, J.)