

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9126 OF 2015

Bhaktibhai G. Patel .. Petitioner

vs.

Saraswat Cooperative
Bank Limited .. Respondent

Mr. Ketan Parekh i/b K.R. Parekh & Co. for the Petitioner.

Mr. D.S. Sabnis for Respondent.

CORAM : M. S. SONAK, J.

DATE : 11 SEPTEMBER 2015.

P.C. :-

1] Not on board. Upon production, taken on board.

2] The challenge in this petition is to the order dated 6 December 2014, by which the defendant/respondent has been allowed to lead secondary evidence in respect of certain documents marked as Article Y, Y-1 and Y-2.

3] At this stage, there is no necessity to entertain the present petition. However, if R.A.D. Suit No. 553 of 2002 ultimately decided against the petitioner and the petitioner decides to institute substantive appeal against such decision, the petitioner shall be entitled to challenge the order dated 6 December 2014, by taking up all grounds which have been raised in this petition as also certain other grounds that may be available to him.

4] The Appeal Court in such eventuality will consider the challenge to the impugned order dated 6 December 2014 in accordance with law and on its own merits.

5] It is made clear that this Court has not examined the merits of the matter and all contentions of all parties are kept open.

8] With the aforesaid liberty, this petition is disposed of.

(M. S. SONAK, J.)

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CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**