

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.95 OF 2015

IN

SUIT NO.599 OF 1993

Dodsal Engineering & Construction Ltd. ... Applicant / Plaintiff
Vs.

M/s. Krishak Bharati Co-Op Ltd. & Anr. ... Defendants

Zeeshan Farooqui, Adv. i/b. Gagrats for Applicant / plaintiff.

Ms. Alpana Ghone, Adv. i/b. M/s. Kanga & Co. for defendants.

CORAM : MRS. ROSHAN DALVI, J.

DATE : 20th February, 2015.

ORAL ORDER

1. Chamber Summons is for leading secondary evidence. Each litigant has an inherent legal right to lead the evidence as per his choice. No court can prevent litigant from leading evidence. If primary evidence cannot be led, secondary evidence may be led. If secondary evidence is sufficient and the document becomes admissible by secondary evidence it may be admitted in the evidence. If not, it may not be admitted in evidence. The plaintiff shall carry out the directions already passed for filing its affidavit of evidence to prove the documents by direct oral evidence or by secondary evidence as required within two weeks from today failing which the suit shall be dismissed.

2. Suit is adjourned to 5th March, 2015 for considering the admissibility of the documents by direct or secondary evidence.

(ROSHAN DALVI, J.)