

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****CHAMBER SUMMONS NO. 1293 OF 2015****IN****SUIT NO. 3022 OF 2007**

Maharashtra State Electricity Distribution Co.Ltd. ...Plaintiff

vs.

M/s.QRG Enterprises Ltd.Defendant / Applicant

Mr.A.S. Davar with Anuj Jaiswal i/b. Little & Co. for Plaintiff.
Mr.Birendra Saraf, Mr.Rohan Cama, Mr.Piyush Raheja, Mr.Vishesh Malviya,
Mr.Prakhar Parekh i/b. Federal & Rashmikant for Applicant.

CORAM : S.C. GUPTA, J.**2 DECEMBER 2015****P.C. :**

This application is for production of documents apparently under Order 11 Rule 14 of the Code of Civil Procedure. It is not in serious dispute between the parties that the documents concern the controversy. In reply to the chamber summons, the Plaintiff, apart from denying the relevant enclosures, has taken a stand that the originals of these documents are not available / traceable. In the premises, the Plaintiff cannot be asked to discover or produce these documents. If the Defendant wants to rely on these documents, the Defendant may, in the course of the trial, produce secondary evidence of these documents, since it has already called upon the Plaintiff to produce the originals. The production of these documents in that case will be a matter of trial. The chamber summons is disposed of accordingly.

2 It will also be open to the Defendant to contend that for want of production of these originals, an adverse inference be drawn against the Plaintiff. All rights and contentions of the parties in this behalf are kept open.

(S.C. Gupta, J.)