

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

921 WRIT PETITION NO. 10456 OF 2015

Y.M.MAHAJAN THROUGH PROPRIETOR VIKAS MEGHASHAM
MAHAJAN AND ANOTHERS
VERSUS

R.R.MAHAJAN AND R.R.MAHAJAN ENTERPRISES THROUGH
RAMESH RAMCHANDRA MAHAJAN

...

Advocate for Petitioners : Kulkarni Sanket S.

Advocate for Respondent : J.N. Singh

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CORAM : T.V. NALAWADE, J.

DATED : 2nd September, 2016.

ORDER :

1. The petition is filed by original defendants to challenge the order made on Exh. 28 in Special Civil Suit No. 43/2012 by the learned Civil Judge, Senior Division, Jalgaon. The application filed for permission to lead secondary evidence is allowed by the Court. Both the sides are heard.

2. The suit is filed for recovery of money and it is contended that the defendants need to pay the suit amount which is in respect of the transaction of sale of tar and transportation. It is the case of plaintiff that when there was the sale delivery challans were prepared and the original delivery challans were handed over to defendants, but the carbon copy of the challan in the book remained with the plaintiff. In view of

these circumstances, the plaintiff had given notice of production to the defendants and defendants were asked to produce the original challans. Defendants denied that such transactions were there and they also denied that original challans are with them. In view of these circumstances, the Trial Court has allowed the plaintiff to prove the record like carbon copies of the said challans. This Court is avoiding to discuss the evidentiary value of this evidence as it will be up to the Trial Court to decide that point. In view of the aforesaid circumstances, this Court holds that the plaintiff is entitled to prove aforesaid record as that record is relevant and they are carbon copies of the original record. In the result, the petition stands dismissed.

[T.V. NALAWADE, J.]

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