

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 5052 OF 2015

Mr.Prabhakar Ramu Pawar.

.. Petitioner

Vs.

Mr.Subhash Babu Pawar & ors.

.. Respondents

Mr.Dhanraj A.Chimote, for the Petitioner.

Mr.Rahul Kadam, for Respondents.

***CORAM : N.M.Jamdar, J.
Tuesday, 16 August 2016.***

P.C. :

The Petitioner challenges the order passed by the learned Civil Judge Junior Division Karmala, dated 11 February 2015, rejecting the Application taken out below Exhibit no.93 in Regular Civil Suit No.171 of 2010. The Application was filed by the Petitioner for leading secondary evidence in respect of a document.

2. Heard learned counsel for the parties. By the impugned order, the learned Civil Judge has not foreclosed the opportunity to be given to the Petitioner for leading secondary evidence. All that the learned Civil Judge has observed that, an application which is without any particulars, cannot be entertained and that the Petitioner should adopt a legal procedure and proceed further. Therefore, it is

open to Petitioner to file an application laying a foundation for seeking permission to lead secondary evidence. If such application is filed, the learned Judge would consider the same on its own merits after hearing all concerned. In view of this position, it is not necessary to interfere with the impugned order. Writ Petition is accordingly disposed of.

(N.M.Jamdar, J.)