

Sequeira

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

WRIT PETITION NO. 7696 OF 2016

Kirtikumar Devji Patel

.. Petitioner

Vs

Mr.Milind Pratap Rane.

.. Respondent

Mr.Chetan Yadav i/b M/s Markand Gandhi & Co., for the Petitioner.

***CORAM : N.M.Jamdar, J.
Tuesday, 18 October 2016.***

P.C. :

The learned counsel for the Petitioner makes a grievance that the documents at serial nos.2, 9, 10, 11, 12, 14, 18, 21, 26, 27, 28, 30, 31, 32, 34, 35, 37 and 41 have not been marked in evidence inspite of their being original and that there is no difficulty in marking them in evidence. The learned counsel for the Petitioner has referred to the remark in the roznama in respect of the said documents. This issue need not be gone into in detail in the supervisory jurisdiction of this Court and if there is any oversight or error the Petitioner can always bring the same to the notice of the learned Judge. The learned counsel for the Petitioner states that he will make an application to the learned Judge setting out circumstances in detail in respect of marking these documents. The

learned City Civil Court Judge, Mumbai will decide the same application after giving opportunity to all concerned. The learned counsel states that as far as the order dated 28 March 2016 is concerned though the learned Judge has held in favour of the Petitioner that secondary evidence need not be led as the documents in question are original but some of the documents are photo copies and therefore, secondary evidence will have to be led. This appears to be an error and this fact also can be brought to the notice of the learned City Civil Court Judge. With liberty to the Petitioner to move the application for clarifications / modifications, the Writ petition is disposed of.

(N.M.Jamdar, J.)