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

WRIT PETITION NO. 6876 OF 2016

Mr. Sachin P. Desai.

... Petitioner.

V/s.

Venkatesh Dhondo Kulkarni.

... Respondent.

Mr. Sachin Punde for the Petitioner.

None for the Respondent.

CORAM : N.M. Jamdar, J.

31 August, 2016.

Oral Order :-

Not on board. Taken on production board by way of praecipe.

2. The Petitioner challenges the order dated 4 February 2016 passed by the learned Civil Judge, Senior Division, Pune below Exhibit 33 in Special Civil Suit No. 1197 of 2010, granting permission to the Respondent – Plaintiff to lead secondary evidence.

3. Heard the learned Counsel for the Petitioner.

4. Merely because the secondary evidence is allowed to be led does not mean that the genuineness and admissibility of the document stands proved. The Petitioner will have an opportunity to take up all contentions as may be permissible in law at the time of trial. Furthermore, Section 105 of the Code of Civil Procedure also take care of the eventualities such the present one. It is not necessary to interfere under Article 227 of the Constitution of India. The Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)