

JPP

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

WRIT PETITION NO. 11090 OF 2015

Mr. Sanjay Vithoba Todkar
Since deceased through legal heirs & Ors. ... Petitioners.

V/s.

Mr. Ramgonda Satyagonda Patil
Since deceased through legal heirs & Ors. ... Respondents.

Mr. Sandeep Koregave for the Petitioners.
None for the Respondents.

CORAM : N.M. Jamdar, J.

31 August, 2016.

P.C. :-

The Petitioners challenges the order dated 27 July 2015 whereby the application taken out by the Respondents to lead secondary evidence was allowed.

2. Heard the learned Counsel for the Petitioners. The learned Judge found that after giving notice to the Petitioners, the Respondents moved an application for leading secondary evidence and the statutory ingredients were fulfilled. As regard the contentions of the learned Counsel for the Petitioners on merits of

the said evidence, the learned Judge has already clarified that they will be considered at the time of trial.

3. Since all contentions of the Petitioners regarding the efficacy and validity of the evidence which is sought to be led by the Respondents, are not foreclosed, it is not necessary to interfere with the impugned order. The Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)