

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6650/2015.

Deepali Dinesh Chirde.

-VERSUS-

Nagpur Improvement Trust and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : **B.P. DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **MARCH 23, 2016.**

Heard Shri R.N. Badhe, learned Counsel
for the petitioner and Shri R.O. Chhabra, learned
Counsel for respondent nos. 1, 3 and 4. None appears
for respondent no.2.

2. Documents claimed by petitioner or on her
behalf, under Right to Information Act, have not been
made available by the Information Officer or First
Appellate Authority. The reason recorded is,
concerned record got wet in rain and has been
destroyed.

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3. Petitioner approached the respondent no.2 Commission in further appeal and by order dated 24.09.2014, the respondent no.2 Commission has directed respondent no.1 to supply the information.

4. Grievance of petitioner is those documents have still not been supplied.

5. Learned Counsel appearing for the respondents, points out that stand of respondent no.1 or other respondents that records are destroyed, is not found to be false or incorrect.

6. Perusal of order passed by the respondent no.2 does not show a finding that records have not been destroyed.

7. After hearing the learned counsel for the parties we find that the petitioner needed those documents for use in some civil dispute. If respondent no.1 is not in a position to give those documents, petitioner can make use of secondary evidence by producing it and by adhering to the provisions of Indian Evidence Act.

8. When records are not available, respondents cannot be forced to provide it. Hence, with liberty to petitioner to proceed further in

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accordance with law, we dispose of the present petition. No costs.

JUDGE

JUDGE

Rgd.