

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12565 OF 2017**

Tata Consultancy Services Ltd.	...Petitioner
<i>Versus</i>	
Gomti Capital Market (India) Ltd.	...Respondent

Mr Farhan Dubash, *a/w Mr Pinkesh Shah and Nipa Paka, i/b
M/sMulla & Mulla & Craigie Slunt & Caroe, for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 24th November 2017

PC:-

1. Heard.
2. **Rule**, returnable forthwith.
3. The order impugned is at page 19 of the trial Court in Suit 6675 of 2005. It is dated 6th October 2017. In this order, a general power of attorney and letter of authority were sought to be marked in evidence. The Trial Court noted that these documents were produced at the time of filing of the suit. It then held that despite the identification of the signature, “the contents were not proved”.

4. I utterly fail to understand what this is supposed to mean, if anything. The Court continued with the marking given to the list of documents submitted at the time of filing of the suit, but refused, on this ground, to mark the general power of attorney and letter of authority in the evidence.
5. This entire procedure is incorrect and is apt to prejudice the trial of the suit. The signature having been admitted, the documents must be fully marked.
6. The impugned order is quashed and set aside.
7. The Trial Court will take both documents in evidence, mark them in evidence and assign them appropriate exhibit numbers. They are treated as fully marked for all purposes.
8. Rule is made absolute in these terms.

(G. S. PATEL, J)