

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO. 501 OF 2016
IN
SUIT NO. 2483 OF 1995**

Shilpin Janak Patel

...Plaintiff

vs.

Indian Airlines Ltd. & Ors.

...Defendants

Mr.Sean Wassoodew for Applicant / Plaintiff.

Mr.Firoz Bharucha I/b. Mulla & Mulla for Defendant Nos.1, 3 and 4.

Mr.Pushkal Mishra I/b. M.V. Kini & Co. for Defendant No.2.

CORAM : S.C. GUPTE, J.

9 JUNE 2017

P.C. :

The chamber summons is taken out by the Plaintiff for admitting in evidence a document. The document is a report of the Court of Inquiry headed by Mr.Justice V.A. Mohta (Retired). The Plaintiff had earlier submitted an ordinary copy of the report of Court of Inquiry. Since it was not a certified copy, the same was not taken on record. The certified copy has been subsequently produced by the Plaintiff. The Plaintiff now prays for the same being taken on record.

2 Learned Counsel for Defendant No.2 opposes the application. An ordinary copy of the report of the Court of Inquiry was originally produced. The Plaintiff's witness has also been cross-examined by Defendant No.2 on this report of Court of Inquiry. Since the report of Court of Inquiry is a public document, the certified copy of the same produced in evidence can be admitted under clause (e) read with the proviso to Section 65 of the Evidence Act. The document referred to in prayer clause (a) is marked as

Exhibit P-18. Learned Counsel does not press for prayer clause (b) at this stage. The suit to appear on board for directions on 7 July 2017.

3 Accordingly, the chamber summons is allowed in terms of prayer clause (a).

(S.C. Gupte, J.)