

vks

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

WRIT PETITION NO.11200 OF 2017

Lloyd Projects Pvt. Ltd	...	Petitioner
V/s.		
M/s Jinda Iron and Steel Co.Ltd.	...	Respondents

Ms. Sneha Phene i/by Govind B. Solanke, for
the Petitioner
Mr. Sunil Gangar a/w Mr.Jayesh Mestry I/by
RMG Law Associate, for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4th JANUARY, 2018.

P.C. :

- 1] Heard learned counsel for the petitioner and respondents.
- 2] By this petition, the petitioner is challenging the order dated 29th August, 2017, passed by City Civil Court, Mumbai, in Notice of Motion No.194 of 2017, filed by the respondent in Summary Suit No.6793 of 2003. By the said Notice of Motion, respondent has sought production of secondary evidence which came to be allowed.
- 3] The only submission advanced by learned counsel for the petitioner is that unless petitioner cross-examines the respondent, those documents should not be exhibited and admitted in evidence unless they are proved. There can absolutely be no two opinions

about the legal position. The trial Court has also merely allowed the production of secondary evidence, but they are yet not admitted in evidence or marked as exhibit. The proceedings are before the trial Court for cross examination of respondent-plaintiff and it is needless to state that the trial Court after considering the cross examination of the plaintiff will decide as to whether to mark those documents as “exhibited and admitted in evidence”.

4] With this observation, writ petition is dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]