

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2030 OF 2015
IN
SUIT NO. 1403 OF 2002

The Municipal Corporation of Greater Mumbai ...Plaintiff
Versus
 TM Enterprise & Anr ...Defendants

Mr RV Govilkar, i/b RY Sirsikar, for the Plaintiff.
Mr Sharad Wakchoure, i/b Kishore Thakordas & Co., for the
Defendants.

CORAM: G.S. PATEL, J
DATED: 6th December 2018

PC:-

1. The Notice of Motion is unnecessary. MCGM seeks to lead secondary evidence. No leave is required for this purpose. Either secondary evidence is led or it is not. This is something that the Trial Court will decide.
2. The law on this subject is well settled that no application of this kind is ever necessary or even desirable: see *Indian Overseas Bank v Triokal Textile Industries & Ors.*¹

1 AIR 2007 Bom 24 : 2006 (6) Bom CR 85; *Parasanbai Dhanraj Jain & Ors v Sunanda Madhukar Jadhav*, 2017 SCC Online Bom 3880 : (2018)

3. The Notice of Motion is disposed of. There will be no order as to costs.

(G. S. PATEL, J)

(1) Mh LJ 788 : 2017 (6) ALL MR 877; *Karthik Gangadhar Bhat v Nirmala Namdeo Wagh & Anr*, WP No 11151 of 2017, decided on 3rd November 2017; *Anandji Virji Shah & Ors v Ritesh Sidhwani & Ors*, Chamber Summons No. 1153 of 2015 in Suit No. 395 of 2007, decided on 27th June 2016.; *Ajaykumar Krishnaprasad Seth v Maya Ramesh Belvetkar & Anr*, Chamber Summons No. 17 of 2016 in Testamentary Suit No. 18 of 2003 in Testamentary Petition No. 628 of 2001, decided on 13th October 2016.; *MMTC Ltd v Samarth Auto Care Pvt Ltd*, Suit No. 427 of 1995, order dated 1st October 2014.; *Lajwanti v Jayshree P Madhwani & Ors*, Testamentary Suit No. 6 of 2004, order dated 14th December 2016.