IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

WRIT PETITION NO.12336 OF 2018

SHREE SHOT EQUIPMENT PVT LTD THROUGH PARTNERS AND OTHERS
VERSUS
M/S PRINCE STEEL THROUGH PROPRIETOR RAHIM RAFIQUE ALIMOTI
...
Advocate for the Petitioners : Shri S. S. Shinde
Advocate for the Respondent : Shri M. R. Sonwane
…

CORAM : RAVINDRA V. GHUGE, J.

DATED : 5th FEBRUARY, 2019.
...

PER COURT :

1. The petitioners – original defendants are aggrieved by the order dated 18/07/2018 passed by the Trial Court, by which, application Exhibit 31 filed by the plaintiff seeking permission to lead secondary evidence in Special Civil Suit No. 86/2015, has been allowed.

2. This matter was heard for quite some time. The learned Advocate for the petitioners submits, on instructions, that these petitioners have no objection with regard to the documents below the list of documents Exhibit 32, at Sr. Nos. 1 and 5 to

54. Their grievance is with regard to the documents at Sr. Nos. 2, 3 and 4.

3. The learned Advocate for the respondent – plaintiff submits that the documents at Sr. Nos. 2 and 3 have been verified by the Superintendent of the Court under the orders of the Court and having compared them with the originals, the said documents have been taken on record. *Insofar* as the document at Sr. No. 4 is concerned, it is stated that the same pertains to the record of the sales tax department which are Photostat copies of certain documents which were filed by the sales tax officer in another proceeding.

4. The learned Advocate for the petitioners, therefore, submits that they would have no objection to the documents at Sr. Nos. 2 and 3 being proved pursuant to the impugned order, but have a grievance about the record of the sales tax at Sr. No.4.

5. The learned Advocate for the plaintiff submits, on instructions, that the plaintiff would endeavour to produce the

certified copies of the said record and if required, would examine the sales tax officer.

6. In view of the above, this petition is disposed off with the observation that barring the document at Sr. No. 4 in the list of documents Exhibit 32, the rest of the documents could be dealt with by the plaintiff within the parameters of the impugned order dated 18/07/2018.

7. Needless to state, liberty to prove the record of sales tax department at Sr.No. 4 as is permissible under the Indian Evidence Act, is granted.

(RAVINDRA V. GHUGE, J.)

shp/-