

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 893 OF 2018

RAJARAM GIRI NAIK., ... Petitioner

Versus

CHOWGULE AND COMPANY PVT. LTD.,
REP. BY POA, R.P.P. ALVENKAR., ... Respondent

Adv. Vilas P. Thaly for the Petitioner.
Adv. Prasheen Lotlikar for Respondent

Coram:- C. V. BHADANG, J.

Date:- 11th February 2019

P.C.:

On hearing the learned counsel for the parties I do not find that any case for interference is made out.

2. The respondent/plaintiff had produced a CD along with photographs at Exhibit C-29 (colly) in an application under Order 39 Rule 2A of C.P.C filed in the suit. At the relevant time, the petitioner/defendant objected to the production of the said documents on the ground that they are not accompanied by a certificate under section 65-B of the Evidence Act.

3. Subsequently PW.2 sought to produce a certificate dated 7/7/2016 of one Mr. J. B. Tashildar which is now sought to be objected on the ground that the same is not accompanied by the

electronic documents. Such an objection to my mind cannot be countenanced. If the document was already produced which was objected to, on the ground that the same is not accompanied by a certificate under section 65-B of the Evidence Act, all that the respondent has done is to produce the said certificate now. The production of the certificate cannot conceivably be objected to, on the ground that it is not accompanied by the electronic documents, when in fact the electronic documents are already on record at Exhibit C-29 colly (Albeit subject to the objection of the petitioner). In that view of the matter, the challenge to the impugned order dated 10/8/2018 dismissing the objection of the petitioner/defendant is without any merit. The petition is accordingly dismissed with no order as to costs.

C. V. BHADANG, J.

ap/-