

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1195 OF 2015

M/s. P.V. Constructions

...Petitioner

V/s.

Shri. Navnath Deorao Savant
and Ors.

....Respondents

APPEARANCES :

Mr. Drupad S. Patil, Advocate for the petitioner.

Mr. S.V. Sadavarte, Advocate for respondent no.1.

CORAM : SANDEEP K. SHINDE, J.

Friday, 28th June, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. The plaintiff seeks leave to lead secondary evidence in respect of Cheque No. 760826 since the original cheque is misplaced and the same is not traceable. The defendant

in the written statement has admitted that, cheque no. 760826 was drawn by him in the name of the plaintiff. In view of this fact, the learned Judge ought to have allowed the application. The impugned order dated 8th November, 2014 is set aside. The application filed by the plaintiff below Exhibit-66 in Regular Civil Suit No. 1539 of 2006 pending on the file of Civil Judge Senior Division, Pune is allowed. The petition is disposed of in the above terms.

(SANDEEP K. SHINDE, J)