

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

SECOND APPEAL NO.124/2019

Lokmat Newspapers Pvt.Ltd., thr. its Authorized Signatory Shri Syed Arshad
Ali, Sr.Manager Legal

..VS..

Rajendraprasad s/o Madhaoprasad Shukla and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri A.S.Deshpande, Counsel for the Appellant.
Shri P.V.Ghare, Counsel for R-1.

CORAM : V.M.DESHPANDE, J.
DATED : JULY 25, 2019.

1. Heard learned counsel Shri A.S.Deshpande for the appellant and learned counsel Shri P.V.Ghare for respondent No.1.

2. The appellant is original plaintiff who filed a suit for recovery of amount Rs.2,44,971.71. Learned Judge of Trial Court dismissed suit. Against that, an appeal was carried. The said appeal was also dismissed.

3. According to case of the appellant/plaintiff, as per account books maintained by the appellant/plaintiff company, the respondents/defendants are required to pay amount Rs.2,44,971.71. The appellant/plaintiff did file only computerized copy of the account. Both learned Judges of Courts below recorded a finding that the appellant/plaintiff has not proved the said computerized statement since

nothing is brought on record to show that procedure laid down in Section 65B of the Evidence Act was followed by the appellant/plaintiff. Statement of transaction is required to be maintained in ordinary course of business. The appellant/plaintiff failed to prove the same.

4. Further, it was observed by learned Judge of Trial Court that respondent No.1/defendant No.1 himself filed a suit for recovery of deposited amount against the appellant/plaintiff bearing SCS No.264/2003 and though it is not in judgment that suit was decreed but the said suit against the appellant is decreed, is the statement on the part of the appellant.

5. Learned Judges of both Courts below were justified in dismissing the suit for recovery. No substantial question of law is involved in the present second appeal. As such, the second appeal is dismissed and disposed of accordingly.

JUDGE

!! BRW !!

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