

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.62 OF 2020

Kiran Mahadev Gambhir

And Others

... Petitioners

Versus

The Municipal Corporation for The

City of Pune

And Others

... Respondents

.....

Mr. Pramod G. Kathane for the Petitioners.

Mr. Abhijit P. Kulkarni for Respondent Nos.1 to 4.

.....

CORAM : S.C. GUPTE, J.

DATE : 24 FEBRUARY 2020

P.C. :

. Heard learned Counsel for the parties.

2 **Rule.** Rule taken up forthwith for hearing by consent of the parties.

3 This writ petition challenges an order passed by the Industrial Tribunal at Pune on a miscellaneous application in a complaint of unfair labour practice. The complaint of unfair labour practice related to permanency of the Petitioners herein and benefits to be accorded to them by the Respondent Municipal Corporation. The miscellaneous application pertained to admitting in evidence two documents produced by the Petitioners in evidence. The two documents referred

to be taken on record were Exhibit 37, which was the Petitioners' notice to the Respondent corporation to produce original documents and Exhibit 46, which was the Petitioners' notice to the Respondent to admit documents. The documents were not taken on record, since they were xerox copies and not the originals. Considering the very nature of the documents, which were notices addressed by the Petitioners to the Respondent corporation, the Petitioners could never have originals with them; the originals would be in possession of the Respondent corporation. In the premises, there could not have been any objection for taking these documents on record. Admitting the documents in evidence, does not imply that their authenticity or genuineness are proved. If it is the Respondent's case that the notices actually addressed by the Petitioners to them were different from what were produced before the court, it is for the Respondent to prove this fact at the trial. They may do so either through their own witness or through cross examination of the Petitioners' witness/es. The court could not have refused to admit the documents in evidence.

4 Accordingly, **Rule** is made absolute and petition is allowed by quashing and setting aside the impugned order passed by the Industrial Court at Pune on 26 November 2018 and admitting Exhibits 37 and 46 in evidence. As clarified above, the authenticity and genuineness of these documents are matters of trial and all contentions of the Respondent corporation in that behalf are kept open.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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Rajesh V.
Chittewan
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