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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3436 OF 2019

Sambhaji Maruti Bhosale

....Petitioner

V/s.

Kisan Pandurang Bhosale and others

....Respondents

Mr. Rahul S. Kadam for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 3, 2021.

P.C.:

1] After having heard Shri. Kadam, learned counsel for the Petitioner for some time, he is right in pointing out that in the Application Exh. 152, he has mentioned about original document i.e. measurement report dated 31/01/1995 and the map therewith are lost, however, the Trial Court has committed an error in observing that there is no such mention in the Application.

2] Be that as it may, in my opinion, if the Petitioner-Plaintiff has

laid a foundation in his examination-in-chief about the missing of original of the document dated 31/01/1995 referred to in the impugned order, the Trial Court shall consider the request of the Petitioner for grant of permission to lead secondary evidence without being influenced by the impugned order.

3] Petition stands disposed of in the above terms.

[NITIN W. SAMBRE, J.]