

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 498 OF 2022 (FILING)

P. G. Kenkre

... Petitioner

Versus

The Goa State Co-operative Housing Finance ... Respondents
and Federation Ltd.

Mr. G. Agni, Advocate for the Petitioner.

CORAM: G. S. KULKARNI, J.
DATED: 18th October, 2022

ORAL ORDER

1. Heard learned Counsel for the applicant who assails an order dated 28 October, 2021, by which the Registrar's Nominee has dismissed the petitioner's application objecting to certain documents being exhibited. In para 10 of the impugned order, the following observations are made :

"10. I uphold the argument that this authority is quasi-judicial and no strict following of Civil Procedure Code provisions are necessary. Moreover the Opponents can verify the veracity of documents in cross. The Opponents have right to seek direction to produce originals for verification. Also the procedure for hearing and

decision of disputant is clearly mentioned in Rule 117 of Goa Co-op Societies Rules 2003.”

2. In my opinion, mere exhibiting of document would not lead to the contents of the documents being proved as being rightly observed by the Registrar's Nominee. The impugned order clearly observes that the petitioner can verify the veracity of the documents in cross examination, as also he has the right to seek directions of the originals to be produced for verification. In my opinion, the rules under the Evidence Act on proof of documents are certainly applicable insofar as the proceedings before the Registrar's Nominee are concerned, there cannot be any other rules by which the parties can prove documents and lead their evidence.

3. Thus, keeping open all contentions of the petitioner on admissibility of the said documents in evidence to raise objections on the documents which are exhibited, the petition needs to be disposed of.

4. All contentions of the parties on the pending dispute are expressly kept open.

5. Disposed of. No costs.

G. S. KULKARNI, J