

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.11 OF 2015

Shri Shrikant Vishnu Deuskar,
Major of age, Indian National,
Resident of Male Bhat,
Saligao, Bardez, Goa.

....Petitioner

Versus

Shri Jayant Kashinath Sakhalkar
of major age, Indian National,
resident of H.No.527,
Tabravaddo, Saligao.
Bardez, Goa.

....Respondent

Mr. Virendra Parsekar, Advocate for the Petitioner.

Mr. J. Godinho, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATE : 3rd FEBRUARY 2023

ORAL JUDGMENT :

- 1.** Heard Mr. Parsekar for the petitioner and Mr. J. Godinho for the respondent.
- 2.** With the consent of the learned Counsel for the parties, the matter is taken up for final disposal.

3. The challenge in this petition is to the order dated 23.06.2014 disallowing the petitioner's application for producing secondary evidence mainly on the ground that the procedures were not followed.

4. On perusing the impugned order and on hearing the learned Counsel for the parties, it is apparent that the impugned order was made because the learned Trial Judge did not have the benefit to the decision of this Court in *Karthik Gangadhar Bhat V/s. Nirmala Namdeo Wagh & Anr.*¹.

5. The above decision takes a view that there is no requirement of law to move an application for permission to lead secondary evidence. Financial evidence must be led and Court should record a satisfaction on the basis of such evidence that originals were lost or destroyed before admitting secondary evidence.

6. Accordingly, the impugned order is set aside. The parties are now at liberty to follow the law and the procedure in *Karthik Gangadhar Bhat* (supra) in the matter of production of secondary evidence.

7. The rule is made absolute in the above terms without any order for costs. Interim order, if any, is vacated.

¹ 2017 4 Crimes SC 536

8. The parties to now appear before the Trial Court on 22.02.2023 at 10.00 a.m. and produce an authenticated copy of this order.
9. All concerned to act on authenticated copy of this order.

M. S. SONAK, J.

NITI K
HALDANKAR

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