

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

WRIT PETITION NO. 5632 OF 2021

Ms Vijaya Hushanrao Mandpe __ Vs. __ State of Maharashtra and ors

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

Court's or Judge's orders

Mr. S.W.Tijare, Advocate for Petitioner
Ms. T. Khan , AGP for Respondent No.1

CORAM : AVINASH G. GHAROTE, J.
DATE : 02/01/2023

Mr. Tijare, learned counsel for the petitioner submits that since the originals of the documents were in the custody of the petitioner/plaintiffs and the copies on record had already been verified by the Nazar from the originals, who had also submitted an according report to the Court in that regard, the application for leading secondary evidence ought to have been allowed.

I am afraid, I am not able to agree with this contention, for the reason that once the aforesaid exercise has already been done by the Nazar comparing and verifying the copies on record with the originals and submitting a report in that regard to the Trial Court, there was no necessity of filing application under Section 65 of the Evidence Act at all. I therefore do not see any reason to interfere. The petition is dismissed. No costs.