

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

Writ Petition (WP) No. 5696 of 2018

Basant Agro Tech (I) Ltd., Akola
Versus
Tirupati Seeds, Tq. Malegaon, Dist. Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.A.Lohia, Advocate h/f Shri D.R.Khapre,
Advocate for the petitioner.
Shri M.G.Sarda, Advocate for the sole-respondent.

**CORAM : ANIL S. KILOR, J.
DATED : 8th MARCH, 2023.**

Heard.

2. The order below exhibit 182 dated 14th June, 2018 passed by 6th Joint Civil Judge (Senior Division), Akola in Regular Civil Suit No. 117 of 2008, thereby rejecting the prayer of the petitioner not to admit the carbon copy of Bill No. 62, is under challenge.

3. Shri Lohia, learned counsel for the petitioner submits that there are interpolation in the said documents and, therefore it is not admissible. It is submitted that the contents of the said documents are

not proved as the author has not entered into the witness box.

4. On the other hand, learned counsel for the respondent submits that in the examination-in-chief of the plaintiff, the said document was filed and it was exhibited and there is no cross-examination conducted by the petitioner because of interim relief granted in this writ petition. It is therefore submitted that the petitioner has every opportunity to cross-examine the plaintiff on interpolation.

5. In view of the rival submissions, I have perused the record and the impugned order.

6. As far as interpolation of bill no. 62 is concerned, the trial Court has observed in paragraph 3 which read thus:

“3. Considering the said submission of both parties, I have perused carbon copy of bill no.62 and the photo copy of the same. It reveals that the said bill is of Tirupati Seeds dt. 23.06.2008 issued to Basant Agro Tech. I. Ltd., Akola for soyabean for 3020=70 qt., Rs.2569/- per qt. Total amount of Rs.77,60,178/-. It appears that there is correction where the amount is mentioned in words, at the place where the rate of unit is mentioned. Though there is said correction but the amount mentioned in carbon copy as well as photo copy of bill no.62 is not different. It is seen that by making correction same amount is mentioned. So whatever corrections is carried out in the bill is clearly seen from the carbon copy of the bill and it is the say of the defendant the same correction is also carried out in

the original bill. If the said bill could be exhibited in that event the plaintiff has an opportunity to cross examine the witness on the point of said corrections. Therefore considering all these discussions it is just and proper to exhibit the said document. Hence I pass the following order.

1. Application Exh. 182 is rejected.
2. Bill no. 62 filed below list Exh. 178 will be exhibited by giving subsequent exhibit number.
3. Cost on cause.”

7. Thus, considering the findings recorded by the trial Court, I do not find any illegality committed by the trial Court particularly when the petitioner is having every right to cross-examine the plaintiff on the point of alleged interpolation or correction carried out in the said document.

8. As far as proving the contents of the document is concerned, it is a settled law that this point can also be raised by the petitioner at the relevant stage.

9. In that view of the matter, I do not find any merit, the writ petition is dismissed.

[ANIL S. KILOR, J.]

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