



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 8252 OF 2024

ANIL BABULAL KATARIYA

VERSUS

RAJENDRA LAXMAN DHAKE AND OTHERS

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Advocate for the Petitioner : Mr. Narwade Narayan B.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06th AUGUST, 2024

PER COURT:

1. Learned counsel for the petitioner submits that the original cheques are filed before the JMFC, where the proceedings under Section 138 of the Negotiable Instruments Act are instituted by the petitioner. He submits that the record of the 138 proceedings is called by the trial court to verify the cheques / original documents. However, the original documents i.e. the cheques are not exhibited in the course of evidence. He submits that in absence of the cheques being exhibited the same cannot be read in evidence. He, thus, submits that the petitioner should have been permitted to put the photocopy of the cheques on record alternatively the original documents itself has to be exhibited in the record.

2. The learned counsel further submits that, in absence of evidence i.e. the cheques being exhibited, the petitioner's claim may be get rejected on the ground that there is no evidence on record produced by the petitioner. He submits that no prejudice would be caused to the respondents and the court ought to have permitted applicant to place on record the photocopy of the cheques.

3. Issue notice to the respondents, returnable on 03.09.2024.

[ARUN R. PEDNEKER, J.]

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