

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO.1 OF 2024

IN

COMPANY APPLICATION NO.152 OF 2015

M/S.COSMED ANALYTICAL AND CENTRAL
SERVICES PVT. LTD. THROUGH
OFFICIAL LIQUIDATOR.

... APPLICANT

Versus

FATIMA ILDA MENEZES

... RESPONDENT

Ms. Amira Razaq, Standing Counsel for the Applicant .

Mr. Parikshit Sawant, Advocate for the Respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 18th January, 2024

P.C.:

1. Heard Ms. Amira Razaq, learned Standing Counsel for the applicant and Mr. Parikshit Sawant, learned Counsel for the respondent.

2. Ms. Razaq would submit that Company Application No. 60 of 2023 filed by the respondent for leading secondary evidence is pending before this Court. However, the learned Registrar (J) took the notarized copy of the family settlement on record and thus closed the cross-examination of the Official Liquidator. She submits that on the next date, the opportunity for rebuttal evidence is also closed. Ms Razaq would submit that since the question of permitting the

respondent to lead the secondary evidence is pending before this Court in Company Application No. 60 of 2023 and that the respondent failed to produce the original or the certified copy of the family settlement, the learned Registrar was bound to give time to the concerned party to lead either secondary evidence by way of producing certified copy or by way of producing original documents.

3. Mr. Sawant would submit that the respondent be given time of around three weeks to produce certified copy of the family settlement.

He submits that the respondent has already applied for grant of certified copy.

4. Considering the fact that the Official Liquidator raised an objection for the production of a notarized copy, the learned Registrar(J) ought to have considered such an objection since in the absence of the original family settlement, only a certified copy from the concerned office where it was registered, is required to be considered as secondary evidence. There is no provision to allow the notarized copy of the certified copy to be considered as secondary evidence. Accordingly, the impugned orders dated 15/12/2023, 20/12/2023 and 03/11/2024 passed by the learned Registrar(J) are quashed and set aside.

5. Mr. Sawant would submit that the respondent is ready and willing to place the certified copy of the family settlement within three weeks.

If the certified copy is produced as stated above, the learned Registrar(J) shall consider the said document as secondary evidence and then permit the Official Liquidator to cross-examine the witness and further lead rebuttal evidence.

6. The Company Application No. 1 of 2024 shall disposed of in the above terms.

BHARAT P. DESHPANDE, J.

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