



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO.1009 OF 2024**

Janata Shakari Bank Ltd.
Through its In-charge Chief Executive
Officer, Deepak V. Nimkar ...Petitioner
Versus
Pundalik S. Dakare ...Respondent

Mr. S.M. Vaishnav for the Petitioner.
Mr. Naresh R. Saboo for the Respondent.

CORAM : N. R. BORKAR, J.
DATE : 11 JUNE 2024.

PC:-

1. The petitioner (original defendant in Regular Civil Suit No. 343 of 2017) has filed the application at Exhibit-219 for leading secondary evidence. By the order impugned in the present petition, the learned trial court has rejected the said application *inter-alia* on the ground that no foundation is laid to permit secondary evidence.

2. Admittedly, the defendant – Bank has not yet examined any witness. In that view of the matter, no fault can be found with the order impugned. However, the petitioner is permitted to file fresh application at appropriate stage. If such application is filed, the trial court shall decide it on its own merits.

3. Considering the fact that the respondent is out of service and the suit is of the year 2017, the trial court shall endeavour to decide the suit , as early as possible and in any case within a period of 9 months from the date of receipt of copy of this order.

4. Writ Petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)