



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.7795 OF 2025**

Jagdish Gopal Kamath and Ors. ... Petitioners  
versus  
Magalprasad Harimohan Chaturvedi and Ors. ... Respondent

Mr. Jaydeep Deo with Mr. Onkar Gawade, for Petitioners.

**CORAM: N.J.JAMADAR, J.**

**DATE : 24 JUNE 2025**

**P.C.**

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 25 March 2025, whereby the application preferred by the Petitioner seeking issue of letter of request to the Official of the Court Receiver to produce the documents mentioned at Exh. 106 and, in the event, the said correspondence is not produced, permit the Petitioner/Plaintiff to lead secondary evidence of the documents at Sr. Nos.3 to 10 came to be rejected.
3. It appears that the Petitioner/Plaintiff has made efforts to obtain certified copies of the documents from the office of the Court Receiver. Initially, at the stage of determination of the admissibility of the documents, the documents now sought to be tendered in evidence by way of secondary evidence, came to be marked for identification only. The recording of evidence of P.W.1 has also concluded.

4. In these circumstances, it would be expedient if the Petitioner/Plaintiff is permitted to examine the concerned official of the Court Receiver as a witness before the Court. In the event, the Court Receiver expresses its inability to produce the documents sought to be tendered by way of secondary evidence, the Petitioner/Plaintiff can revive the prayer for secondary evidence.
5. Subject to the aforesaid clarification, the Petitioner is granted liberty to apply before the Trial Court to issue summons to the Court Receiver.
6. In the event, the said application is filed, the Trial Court is requested to decide the same as expeditiously as possible.
7. The Petitioner/Plaintiff shall have the liberty to revive the prayer for adducing secondary evidence in the event the Court Receiver is not in a position to produce those documents.
8. The Writ Petition stands disposed.

**( N.J.JAMADAR, J. )**