



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14503 OF 2025**

Suryanarayan Ramlal Yadav (deceased)
through legal heirs and Ors ... Petitioners
versus
Radhibai Atmaram Chaudhari and Ors. ... Respondents

Ms. Aditi Naikare for Petitioners.
Mr. Shanay Shah, Mr. Yohaana Shah, Mr. Hasan Mushabber, Mr. Hiral Shah,
Ms. Divishada Desai i/by Negandhi shah and Himayatullah, for Respondent
No.23.

CORAM: N.J.JAMADAR, J.

DATE : 9 DECEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 13 August 2025 passed by the learned Civil Judge, Thane, whereby the application preferred by the Petitioners – Plaintiffs seeking permission to lead secondary evidence, came to be rejected.
3. The said application was preferred pursuant to the liberty granted by this Court by an order dated 6 July 2018 in WP No.13687 of 2017, in the event the issues are framed by the trial Court under Order XIV of the Code of Civil Procedure, 1908.
4. One of the reasons which weighed with the learned Civil Judge not to allow the Petitioners to lead secondary evidence was that the issues have yet

not been framed under Order XIV of the Code of Civil Procedure, 1908 and the decision on the issue framed under Section 9-A of the Code, in its application to the State of Maharashtra, as it then stood, is awaited.

5. The Court is informed that the matter is closed for orders on the issue of jurisdiction framed under Section 9-A of the Code.

6. In these circumstances, learned Counsel for the parties agree that the Petitioners-Plaintiffs may have the liberty to file an application to lead secondary evidence in the event the issues are framed under Order XIV of the Code, depending upon the outcome of the issue framed under Section 9-A of the Code.

7. Keeping open the said liberty to the Plaintiffs to file an application for leading secondary evidence in the event the issues are framed under Order XIV of the Code, the Writ Petition stands disposed.

8. In the event, such an occasion arises and an application for leading secondary evidence is filed, learned Civil Judge shall decide the same on its own merits and in accordance with law without being influenced by the observations in the impugned order.

(N.J.JAMADAR, J.)