



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5256 OF 2023

Shamrao S/o Shaligram Shegokar
Vs.
Pritam Amruta Gawai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.V. Rai, Advocate for petitioner.

CORAM : ANIL L. PANSARE, J.

DATE : 14.01.2025.

The challenge is to order dated 08.07.2022 passed by the Joint Civil Judge Junior Division, Shegaon, passed below Exh. 91, thereby rejecting the application filed by the petitioner – plaintiff to lead evidence through C.D.

2. The application has been rejected on two grounds, one is that the original conversation was recorded in cassette and then, copied in CD and therefore, the same can be placed in service along with certificate under Section 65-B of the Evidence Act, which certificate is not produced by the petitioner. The second ground is that the petitioner

has not pleaded that the evidence is available in the CD. Thus, there are no pleadings on this point.

3. The learned counsel for the petitioner submits that the trial Court permitted production of CD and therefore, ought to have permitted the petitioner to lead evidence.

4. I do not find substance in the aforesaid argument. Permitting production of the document is one thing and to permit to lead evidence and prove contents thereof is another. The Court below found that the evidence through CD is inadmissible for want of certificate under Section 65-B of the Evidence Act, so also the pleadings.

5. That being so, I do not find any valid reason to interfere with the impugned order in supervisory jurisdiction under Article 227 of the Constitution of India.

6. The petition is dismissed. No order as to costs.

(ANIL L. PANSARE, J.)