

[CNR. NO.MHSCA -2000265-2005]

IN THE COURT OF SMALL CAUSES, AT MUMBAI
ORDER BELOW EXHIBIT - 331
IN

R. A. E. & R. Suit No.972/3258 of 1984

~~Smt. Sitadevi Rupchand~~

1. Shyam Roopchand Jaisingh and Anr. ..Plaintiffs

V/s.

1. M/s. Indian Electronics and Ors. ..Defendants

Suraj Shah : Ld. advocate for plaintiffs

Priyanka Bhandari : Ld. advocate for defendant nos. 1 & 2.

Coram : S. D. Garad, Judge,
Court Room No.10

Date : 11.08.2026

ORDER:-

1. By way of filing this application under Order XVI, Rule 1 (2) of The Code of Civil Procedure, 1908, Ld. Advocate for the plaintiff has desirous of obtaining summons for the attendance of photographer from Royal Photo Studio and Colour Lab to prove the 17 photographs which marked as Article-X-17 to X-33.

2. Ld. advocate for the defendant has filed reply to this application at Exhibit-336 and contended that the present application is nothing but to fill up the lacunae of plaintiff's evidence and therefore, same should not be allowed. It has further contended that the documents produced by PW.1 is beyond the pleadings and hence, this application deserves to be dismissed with costs.

3. Heard both the sides.

4. In thresh-hold, plaintiff want to examine proposed witness to prove the photographs filed on record with list Exhibit-77. No doubt, in absence of evidence of photographer, the photographs

placed on record can not be admissible in evidence. Record further shows that the name of proposed witness is mentioned at Sr. No. 7 of plaintiff's list of witness dated 07/01/2025 (Exhibit-265). Thus, considering the nature of this suit and issues involving in it, present application is deserves to be allowed. Hence, I pass the following order :-

: ORDER :

1. Application at **Exhibit- 331** is allowed as prayed.
2. Issue witness summons to the photographer from Royal Photo Studio & Colour Lab (Studio which took photographs) known to have its address at below Amita Nursing Home, Opposite Nataraj Talkies, Main Gate, Chembur East, Mumbai- 400 071, on process fees.
3. Before issuance of witness summons, plaintiff is directed to pay expenses of witnesses into the Court as per Order XVI, Rule 2 of The Code of Civil Procedure, 1908.
4. Suit is fixed for plaintiff's further evidence.

Mumbai
Date : 11/08/2026

(S. D. Garad)
Judge
Court Room No.10