

**Order below Exh.95 in RCS No.101/2018**

By this application plaintiff has requested to issue witness summons to the officer of defendant No.1 for producing the original letters dated 08/06/2018 & 04/08/2018 on the grounds mentioned in the application. Defendant No.1 has raised strong objections. Defendant No.2 failed to file his say. Perused application and say. Heard Ld. Adv. Shri. Kale for plaintiff and Ld. Adv. Shri. M.P. Gaware for defendant No.1. Both of them have submitted in the line of their application and say respectively.

2. Record shows that plaintiff has filed this suit for perpetual injunction. Defendant No.1 has filed its WS at **Exh.24**. Defendant No.2 has filed his WS at **Exh.26**. Issues are framed at **Exh.59** on 27/08/2019. Plaintiff has examined himself as PW No.1 at **Exh.89**. He has further examined Shri. Laxmikant Anilkumar Sharma as PW No.2 at **Exh.92**. Record further shows that plaintiff has filed photocopy of letter dated 07/06/2018 at list below **Exh.35** and defendant No.1 has filed photocopy of letter dated 04/08/2018 at list below **Exh.66/2**. The letter dated 07/06/2018 was made by Swaminath Anilkumar Sharma to the office of defendant No.1 and the letter dated 04/08/2018 was made by PW No.2 Laxmikant Anilkumar Sharma to defendant No.1. So far as, the question of proving the contents of letter dated 04/08/2018 is concerned the author of the said letter namely Laxmikant Anilkumar Sharma is already examined and plaintiff failed to prove the contents of this letter dated 04/08/2018 by recording his further chief-examination.

3. The question of proving the contents of letter dated 07/06/2018 is concerned, its author Swaminath Anilkumar Sharma is not party to the suit and therefore, its contents can be proved by examining the said witness. For the discussion made above, I find no reason to call the officer of defendant No.1 for producing the original letters dated 08/06/2018 & 04/08/2018. Even if for the sake of argument, the witness is called then the said witness will only produce those letters and still its proof will remain as it is. In the result, I pass following order :-

**Order**

1. Application is rejected.
2. No order as to costs.

Date : 06/11/2025

(Ashish B. Marlecha)  
Civil Judge Senior Division,  
Shrirampur, Dist. A.Nagar.