

MHKO050026652024



ORDER BELOW EXH. 14 IN MISC. CIVIL APPLN. NO. 56/2024

(Ghanshyam Joshi vs. Kamadgiri Textiles and others)

This is an application by applicant under Section 60 of Bharatiya Sakshya Adhiniyam, 2023 for grant of permission to adduce secondary evidence in respect of document produced along with Exh.13/1 i.e. Railway Ticket dated 12/03/2024.

2. Learned advocate for the applicant submitted that, the original plaintiff was traveling from Sikhar, Rajasthan to Mumbai on 12/3/2024 by train. The original copy of railway ticket has been lost. Hence, applicant has filed xerox copy of railway ticket at Exh.13/1. Therefore, applicant has filed present application to lead secondary evidence of the said ticket.

3. Learned Advocate for the opponent submitted that, reasons mentioned in the application are totally false and bogus. No any sufficient reason mentioned in the application. Document produced by applicant is hand written document, therefore this document is not reliable. Therefore, plaintiff can not be permitted to produce the secondary evidence in respect of said railway ticket.

4. I have gone through the record. The applicant has filed present restoration application to restore the Special Civil Suit No.18/2016. The applicant contented that, at the time of dismissal of

Spl.C.S.No. 18/2016 on 13/3/2024, he is traveling from Sikhar, Rajasthan to Mumbai. He has filed xerox copy of the railway ticket. Obviously, due to loss of original ticket he could not file it before the court. The original suit for recovery of money. The claim of applicant can be decided on merit. However, it is necessary to grant permission to lead secondary evidence in this matter.

5. The general rule is that documents must be proved by primary evidence, which is the document itself. Secondary evidence is admissible only in exceptional circumstances as provided under Section 60 of Bharatiya Sakshya Adhiniyam, 2023. The court will consider the circumstances and facts of the application by relying on other evidence also.

6. Only production of secondary evidence of the documents will not be admissible in evidence unless and until it is not proved by the applicant as per law. Considering the facts and circumstances of the case, no prejudice will be caused to the opponent if the permission is granted to the applicant to produce the secondary evidence of the railway ticket on record. Hence, I pass the following order : -

ORDER

- 1) Application is allowed,
- 2) Permission to lead secondary evidence in respect of Railway ticket dated 12/03/2024 is hereby granted.

Ichalkaranji
Date :- 25.09.2025

(G. M. Nadaf)
Civil Judge Senior Division,
Ichalkaranji.