

IN THE COURT OF THE METROPOLITAN MAGISTRATE
62ND COURT DADAR, MUMBAI

C. C. No. : 6200059/SW/2009

CNR NO.: MHMM150086262009

Reserve Bank of India

V/s.

Memon Co-op. Bnak Ltd. & ors.

ORDER BELOW EXH. 67

Read the application and say (Exh. 72).

2 Heard the advocates for the parties.

3 The application is filed on the ground, the original documents are misplaced. It is resisted on the grounds, the complainant suppressed material facts, it is barred by limitation, it is filed at belated stage, ground for filing application is vague, the photocopies of the documents are not photocopies of the original.

4 The advocate for the complainant relied on Karthik Gangadhar Bhat V/s. Nirmala Namdeo Wagh & anr., Writ Petition no. 11151/2017, it is observed by the Hon'ble High Court that where the original is lost, the party seeking adduce secondary evidence must depose that the original is lost and must depose to other conditions set out in the clause and there is no question of 'leave' being required.

5 Considering nature of the application, suffice it to say there is no necessity to seek leave to lead secondary evidence as per the observations of the Hon'ble High Court. Thus, I pass order;

ORDER

The complainant is at liberty to lead secondary evidence as he desires on the documents as per the observation of the Hon'ble High Court in Karthik V/s. Nirmala (Supra).

(B.B. Gaware)
Metropolitan Magistrate,
62nd Court, Dadar, Mumbai.

Date: 06/12/2019.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per original Order.

Name of the Stenographer : Mrs. S. V. Pednekar

Court : 62nd Metropolitan Magistrate, Dadar, Mumbai

Date : 06/12/2019

Order signed by the

presiding officer on : 06/12/2019

Order uploaded on : 06/12/2019