

ORDER BELOW EXH.23.

1. This is an application filed by the plaintiff u/s. 65 (a) of the Indian Evidence Act, 1872.
2. The present suit is filed by plaintiff against defendant for recovery of money and it is pending for the evidence of plaintiff. It is submitted on behalf of the plaintiff that copy of complaint made against to the Rajgad Police Station has filed on record and original receipt of this complaint has filed in the RCS No. 57/2015. As the plaintiff has filed original of complaint application in the RCS No. 57/2015, he could not produce original document i.e. complaint filed in Rajgad Police station in the Court. Therefore the plaintiff prayed to allow him to lead secondary evidence of the complaint filed in Rajgad Police station against defendant.
3. It is submitted on behalf of the defendant that the plaintiff has not produced certified copy of complaint filed to Rajgad Police station against the defendant, in this case. Therefore present application is liable to be rejected.
4. Perused application. Heard ld. Advocate for the plaintiff and defendant.
5. Here it is worthy to mentioned that , in the recent judgment of Hon'ble Bombay High Court, *Kartik Gangadhar Bhat Vs. Nirmala Namdeo Wagh W.P No.11151/2017* dtd. 3/11/2017, it has held that there is no need to file the application to produce secondary evidence. As per the ratio laid down in the above judgment, it is not necessary to consider the admissibility and relevancy of the said document at this stage. Hence, I proceed to pass the following order:

ORDER

- 1) Application (Exh.23) is allowed.
- 2) Production of documents is hereby allowed.
- 3) The plaintiff shall take necessary steps to prove the content of said document.

Date: 02/07/2022

(H.U.U. Patil)
Jt. C.J.J.D., Bhor.

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

Name of the Clerk : V.G.Fulari .

Court Name : Smt. H.UU Patil

Jt.C.J.J.D., Bhor, Dist. Pune.

Date :02/07/2022

Order signed by presiding officer on : 02/07/2022

Order uploaded on : 06/07/2022”