

R. C. S. No. 26/2014

M/s. Ratan Metals Thr.

Prop. Vinod Oswal

---- **Plaintiff****Vs.**

M/s. Yash Enterprises Thr.

Prop. Sou. Rekha Parte & Ors.

---- **Defendants****Order Below Exh. 47**

1. The plaintiff has filed this application to give exhibits to the documents filed with list Exh. 3 and Exh. 30.

2. Defendants have taken strong objection by filling say on the application.

3. Heard both sides. Advocate for the plaintiff submitted that documents are proved as per Evidence Act. They are mentioned in the examination in chief of the plaintiff and so, exhibit numbers be given to the documents. Advocate for the defendants submitted that the documents were not proved as they were not shown to the plaintiff during examination in chief. So, the defendant could not take cross-examination on those documents. If the documents are exhibited then defendants will suffers irreparable loss.

4. The documents filed along with list Exh. 30 are verified copies of purchase order, purchase bills, delivery challen, cheque, cheque return memo of HDFC bank, account extract of defendant kept with the plaintiff firm. The documents filed with list Exh. 3/14 are notices and postal acknowledgements. Plaintiff has prayed to given exhibits to these documents.

5. The plaintiff had not submitted application to permit him to file verified documents instead of originals of them. Therefore, there is no order of Court to allow the plaintiff to file verified copies.

6. In the cross-examination the plaintiff admitted that he had no difficulty to produce original documents in the Court. During his cross-examination he did not produce original documents of the verified copies produced on record.

7. Plaintiff has filed present application after his cross-examination was over. So, the defendant could not get chance to ask questions in respect of verified documents by comparing them with their originals.

8. Though the documents are mentioned in examination in chief, they are verified copies and not original therefore, the documents at Sr. No. 30/1 to 30/23 and 30/38 to 30/41 cannot be exhibited.

9. The documents filed at Exh. 30/24 to 30/37 are account extracts filed by HDFC Bank, cheque and cheque return memo given by HDFC bank, notices issued by plaintiff to defendant, acknowledgement receipt of RPAD and they are original documents. Hence, only these documents can be exhibited.

10. The documents at Exh. 3/14 is notice issued by plaintiff to defendant and Exh. 3/15 is acknowledgement of RPAD therefore, these documents can be exhibited. In view of the documents and the arguments raised by both sides application deserves to be allowed. Hence, I pass the following order.

ORDER

1. The documents at Exh. 30/24 to 30/37 and Exh. 3/14 and 3/15 be exhibited.

Sd./- XXX

Dt. 15/11/2017
Karad.

(P. A. Savadikar)
Civil Judge Sr. Dn. Karad.