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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1226 OF 1986

Dr. Ravindra R. Trivedi and others ... Plaintiffs

Versus

Shri Shakti Prints Pvt. Ltd. and others ... Defendants

WITH

COUNTER CLAIM NO. 10 OF 2009

IN

SUIT NO. 1226 OF 1986

WITH

SUIT NO. 1439 OF 2009

.....

Ms. Gargi Bhagwat instructed by M/s. Divekar Bhagwat & Co.,
Advocate for the Plaintiff.

Mr. Hrushi Narvekar instructed by Mr. Deepak Chitnis-Chipalkar,
Advocate for the Defendants No.1 and 2 in S-1226-1986.

.....

CORAM : ABHAY AHUJA, J.

DATE : 11 NOVEMBER 2025

PC. :

1. Pursuant to the earlier orders of this Court, today the matter has been listed for further marking of 1st Defendant's documents in Suit No.1439 of 2009. Mr. Narvekar, learned Counsel, appearing for the Defendants submits that Defendant's witness – Mr. Manmohan Sarawgi is present.

2. Mr. Manmohan Sarawgi has been requested to step into the witness box and has been administered oath by the learned Associate of this Court.

DW-2 :

Name : Manmohan Parmeshwar Sarawgi
Occupation : Service
Address : Shakti Prints Compound, Cardinal Gracious Road,
Chakala, Andheri (East), Mumbai – 400 099.

**Further Examination-in-chief of Mr. Manmohan Parmeshwar Sarawgi,
DW-2 on S.A. :**

(Mr. Manmohan Parmeshwar Sarawgi is shown the documents from serial No.4 onwards of the compilation of documents containing 44 documents. The witness had earlier deposed to the truth and contents of the said documents in the affidavit in lieu of examination-in-chief.)

3. On the last occasion, this Court had marked the document at serial No.3 as secondary evidence, subject to opportunity to cross-examine the witness.

4. Referring to the document at serial No.4, Mr. Narvekar submits that the said document is a copy of the letter dated 12th September 1961. Mr. Narvekar refers to paragraphs 8 to 10 and submits that on the same grounds on which the document at serial No.3 has been marked as secondary evidence, this document also be marked as an exhibit.

5. Ms. Bhagwat, learned Counsel, appearing for the Plaintiff submits that existence as well as the contents of the said document have been denied, however, leaving it to the orders of the Court.

6. Considering that the position of the document at serial No.4 is similar to the document at serial No.3, this Court is of the view that the document at serial No.4 be marked as **Exhibit D-20**, subject to opportunity to cross-examine the witness.

7. Mr. Narvekar has also tendered across the bar decision of the Delhi High Court in the case of *Sudhir Engineering Company vs. Nitco Roadways Ltd.*¹, which observes that admission of a document in evidence is not to be considered proof of a document and that it could not have been the intendment of any law, rule or practice direction to expect the Court applying its judicial mind to the entire record of the case, each time a document was placed before it for being exhibited and form an opinion if it was proved before marking it as an exhibit.

8. Ms. Bhagwat, learned Counsel, appearing for the Plaintiff relies upon the decision of this Court in the case of *Om Prakash Berlia and another vs. Unit Trust of India and others*², tendered by Mr. Shah and submits that sometime be granted to examine the decision of the

1 DRJ(34) 1995

2 AIR 1983 Bombay 1

Delhi High Court in the case of *Sudhir Engineering Company vs. Nitco Roadways Ltd.* (supra) in the light of the decision of this Court in the case of *Om Prakash Berlia and another vs. Unit Trust of India and others* (Supra).

9. In view of the aforesaid discussion, list for further marking of documents on **1st December 2025**.
10. The Defendant's witness (DW-2) is discharged for the day.
11. Let the said witness remain present in Court on the next date for further marking of documents.

(ABHAY AHUJA, J.)