

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2256 OF 1998**

Harinarayan G Bajaj & Anr ...Plaintiffs
Versus
Vijay Aggarwal & Ors ...Defendants

Ms Sonal, i/b Rani Goenka, for the Plaintiffs.
Mr Rajiv Kumar, Senior Advocate, i/b Girish B Kedia, for the
Defendants.

CORAM: G.S. PATEL, J
DATED: 20th February 2018

PC:-

1. There are some documents that were marked by the Commissioner for identification that are now to be taken up for being marked in evidence. There are two series. The documents marked in the "X" series are referred to in the Plaintiff's Evidence Affidavit. Ms Sonal for the Plaintiff has prepared a chart which is taken on record and marked "X1" for identification with today's date. There are several documents marked as "X4". I have, therefore, assigned serial numbers to this tabulation from 1 to 13. There is one document marked "X3". The documents from Serial Nos. 2 to 12 are all marked "X4" (collectively) and the document at Serial No. 13 is marked "X6".

2. The document at Serial No. 1 is taken on record and marked as Exhibit “P14” in evidence.

3. The documents at Serial Nos. 2 to 9, all marked “X4” (collectively) and corresponding to Serial Nos. 43, 44, 45, 46, 47, 48, 49 and 50 of the compilation of documents are taken on record marked as Exhibit “P15” (collectively) in evidence.

4. The second list marked “X2” for identification with today’s date has 14 documents numbered “Y1” to “Y14”. Of these, there is no objection as regards “Y1”, “Y2”, “Y3” and “Y4”, which are taken on record and marked as Exhibit “D29”, Exhibit “D30”, Exhibit “D31” and Exhibit “D32”, respectively in evidence.

5. The documents “Y5” and “Y6” will be proved by the Plaintiff through a competent witness.

6. Ms Sonal objects to the introduction in evidence of remaining documents “Y7” to “Y13”, saying that these are not properly proved. These are not admitted into evidence. I am not satisfied that the cross-examination is sufficient to justify their marking in evidence.

7. The document at Serial No. 13, marked “X6” for identification, is a photocopy of an Affidavit in Rejoinder dated 24th April 2000 in Notice of Motion No. 1853 of 1998 in Suit No. 2256 of 1998. Portions of this Affidavit were shown to the Plaintiff No. 1. It is not necessary to mark the Affidavit. It is part of these

proceedings. It will be read and used in the trial and even during the arguments. Both sides are at liberty to put the documents to their respective witnesses.

8. Similarly, the document “Y14” is a copy of the certified copy of the Affidavit dated 1st June 1998 of Defendant No. 6 in Notice of Motion No. 1853 of 1998 in the present Suit. This too can be used without being marked in evidence.

9. List the matter for re-examination on 15th March 2018 in Court.

(G. S. PATEL, J)