

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3407 OF 1995

Prithviraj Harbhagwandas Bajaj & Anr. .. Plaintiffs

Versus

Life Insurance Corporation & Ors. .. Defendants

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- Mr. Rahul Sarda a/w. Mr. Manik Joshi, Mantul Bajpai, Ms. Vrushabh Vig and Mr. Vikrant Nalawade i./by Crawford Bayley and Co., Advocates for Plaintiffs.
 - Ms. Snehal Paranjape a/w. Mr. J. Kapadia, Mr. O. Mohandas and Ms. Maitri Yadav i./by Little and Co., Advocates for Defendant Nos.1 (L.I.C.).
 - Ms. Sayali Apte, Advocate for Defendant No.2.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 10, 2023

P.C.:

1. Heard Mr. Sarda, learned Advocate for Plaintiffs, Ms. Paranjape, learned Advocate for Defendants and Ms. Apte, learned Advocate for Defendant No.2.

2. The compilation of documents containing eleven documents of Defendant No.1-Life Insurance Corporation (for short 'L.I.C.') has been placed before me for exhibiting the same in evidence. I have perused the documents with the able assistance of both the learned Advocates.

3. *Prima facie* documents at serial Nos.1, 5, 6, 7, 8, 9, 10 and 11 are agreed to be marked by consent of parties, however there is an

ambiguity in marking the documents at serial Nos.2, 3 and 4 of the compilation.

4. Ms. Paranjape would fairly submit that the original covering letter of the documents at serial Nos.2, 3 and 4 is available, but the said documents are photocopies which are made available from the record and file of Defendant No.1. She would submit that originals would be with the Municipal Corporation.

5. Be that as it may, *prima facie* documents at serial Nos.2, 3 and 4 are public documents i.e. they are copies of tax / cess receipts issued by the Corporation on payment having been effected / made by Defendant No.1. It shall be open to the Defendant No.1 to approach the Municipal Corporation and thereafter file an appropriate Application for marking of the said documents and proving the said documents through secondary evidence. Marking of all documents shall be done on the next adjourned date.

6. In view thereof stand over to **17th August, 2023**. To be placed under the caption 'marking of documents'

H. H. SAWANT

[MILIND N. JADHAV, J.]

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