

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1718 OF 2012

Maria F. Sequeira and Ors.

... Plaintiffs

Versus

Feroze H. Dugan and Anr.

... Defendants

Mr. R.S. Tripathi I/b. N.Y. Chavan for the Plaintiffs.

Mr. Shailesh Shah, Senior Advocate a/w. Mr. J.S. Solomon, Ms. Soniya Putta, Mr. S. Shah I/b. M/s. Solomon and Company for Defendant No. 1.

Mr. Kiran Jain I/b. Kiran Jain and Company for Defendant No. 2.

Mr. M.M. Shaikh, Joint District Registrar, Mumbai, present in person.

Mr. B.K. Khandekar, Manager (Additional Charge) from Photo Registry Pune Office, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 7TH DECEMBER, 2015

P.C.

1. Pursuant to the order dated 2nd December, 2015, Mr. B.K. Khandekar, Manager (Additional Charge) from Photo Registry Pune Office is present in Court.

He has submitted the following documents :

(i) Report pertaining to the true copy of the document dated 1st August, 1949 issued by his office on 7th June, 2011, alongwith statement annexed thereto of Ms. V.R. Mardekar, Jr.Clerk confirming that she has gone through the true copy of the document dated 1st August, 1949 and that the same bears her signature and further stating that the film of the document was developed and brought to her by Mr. G.B. Sawant, Senior Technical Assistant after which she had certified the same, though she is not aware where the negative of the document was kept thereafter by Mr. G.B. Sawant.

- (ii) An Application dated 2nd June, 2011 made by Mr. Pradeep More seeking certified true copies of the documents bearing registration Nos. 3428/1949, 1302/1949, 3573/1949, 2951/1949 and 3563/1939.
- (iii) A copy of the letter dated 4th June, 2011 (wrongly overwritten as '8' in pen) written by Mr. R.Y. Bhoje, Additional District Sub-Registrar (Class-2), (Land), Mumbai to the Manager, Photo Registry Pune calling upon him to forward the certified copies of the documents sought by Mr. Pradeep More.
- (iv) Letter dated 21st June, 2011 written by the Administrator, Government Photo Registry, Pune to the Technical Department calling upon them to provide copies of the documents set out therein.
- (v) Letter addressed to Mr. Sawant on 7th February, 2014 by the Government Photo Registry Office, Pune dismissing Mr. Sawant from his job inter alia on the ground of manipulation / fabrication of documents for personal gains.
- (vi) Inward Register for the period 29th November, 2009 to 28th April, 2011, which shows that an entry bearing No. 1380 recording receipt of a letter dated 8th June, 2011 from Bombay office seeking certified copies of documents bearing registration Nos. 3428/1949, 1302/1949, 3573/1949, 2951/1949 and 3563/1949.
- (vii) Dispatch Register for the period from 1st January, 2011 to 31st December, 2012, which does not show the dispatch of certified copies by Government Photo Registry Office, Pune to Bombay office as alleged.
- (viii) Two Registers prepared in 2011 wherein entires have been made qua the condition of the negatives. No entry is found in those registers pertaining to the negatives concerning list 125.

2. Mr. Khandekar states as follow :

(i) That the machine in their office to develop the negative and give positive was not working in the year 2011, and he does not know how the documents were developed since the machine was not functioning.

(ii) That the list book for period of 1949 is missing from their records.

3. Mr. Khandekar shall produce the personal file of Mr. G.B. Sawant, Ex-Senior Technical Assistant on 11th December, 2015 at 3.00 p.m., and Mr. G.B. Sawant is directed to remain present before this Court on 11th December, 2015 at 3.00 p.m. failing which the Court shall proceed to pass necessary orders to ensure his presence before the Court.

4. Mr. Shaikh, Joint District Registrar, Mumbai has also produced Outward Register, which shows that on 4th February, 2011 his office has written a letter to the Manager, Government Photo Registry Office, Pune seeking certified copies of the documents bearing registration Nos. 3428/1949, 1302/1949, 3573/1949, 2951/1949 and 3563/1949.

5. Mr. Shaikh, who is present in Court states that upon receipt of the Application for certified copy, the details of the Application are recorded in the register maintained by his office and charges for the same are immediately collected from the Applicant and a receipt is also issued to the Applicant. He undertakes to produce on 11th December, 2015 at 3.00 p.m. the register regarding Application received for the certified copies of the documents as well as the receipt books showing that the Application was received on 2nd June, 2011 and the Applicant has paid the necessary charges also on 2nd June, 2011. The undertaking is accepted.

6. All the documents as well as registers tendered by Mr. Khandekar and Mr. Shaikh are taken in the custody of the Court.
7. Stand over to 11th December, 2015 at 3.00 p.m.

(S.J.KATHAWALLA, J.)