

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

Mr. I. 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.

Mr. G.B. Sawant, Ex-Senior Technical Assistant, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 11TH DECEMBER, 2015

P.C.

1. Pursuant to the order dated 2nd December, 2015, Mr. M.M. Shaikh, Joint District Registrar, Mumbai had on 7th December, 2015 produced the Application of Mr. Pradeep More dated 2nd June, 2011, wherein he had applied for certified copies of documents bearing registration Nos. 3428/1949, 1302/1949, 3573/1949, 2951/1949 and 3563/1949. He had informed the Court that pursuant to the said Application, the documents were called for from the Government Photo Registry Pune Office. The Court was also informed that immediately upon receiving an Application for certified copy / copies, the Applicant is required to pay necessary fees and thereupon a receipt is issued. Mr. Shaikh was therefore to produce the receipts, which were issued to Mr. More. Today, Mr. Shaikh has informed the Court that when Mr. More applied for the documents set out in his Application

since none of the documents were found in their office, no fee was taken from him. However, the documents were called for from the Government Photo Registry Office, Pune. Mr. Shaikh further states that on 17th June, 2011 Mr. Sebastian J. Sequeira applied for the documents bearing registration Nos. Bom/3428/1949 and Bom/3573/1949. On the same day, an amount of Rs.85/- was charged and a receipt was issued to him. A copy of the Application dated 17th June, 2011 along with the receipt issued on the same day for Rs.85/- are produced by Mr. Shaikh before this Court. The said Application as well as the receipt are taken on record. Parties are allowed to obtain copies of the same.

2. Mr. B.K. Khandekar, Manager (Additional Charge) from the Government Photo Registry Pune Office is also present in Court. He says that though the photo negatives of the years 1948 and 1950 are available in his office, the negative for the year 1949 is not available.

3. Pursuant to the order dated 7th December, 2015 Mr G.B.Sawant, Ex-Senior Technical Assistant, who was dismissed from employment on various charges is present in Court. He has gone through the report of Ms. V.R. Mardekar, Jr.Clerk. He has informed the Court that he had converted the positive of the document bearing Serial Nos. Bom/3573/1949 and had kept the negative in the cupboard, where the negatives were preserved serially. He states that he is not aware how the negatives are misplaced. He states that the machine which was used for developing the positive from the negative was not working since the year 1985. In view thereof, they used to get the negatives developed from different laboratories as per instructions from the Manager of the Government Photo Registry Office, Pune.

4. In response to a query as to how many documents are stored in a photo negative, Mr. Sawant has informed the Court that the same depends on the size of the documents. Further, he states that in a photo negative each document is in a frame and every frame is given a number according to the pages of the document i.e. if the first document in the negative has six documents, the pages will be numbered as to 1 to 6 and the next document will be numbered from 7 onwards.

5. At the instance of Mr. Tripathi, Advocate for the Plaintiffs, a letter dated 2nd June, 2011 is shown to Mr. Sawant and he is asked whether he has signed the same. He has informed the Court that his signature does not appear on the said letter.

6. Mr. Khandekar has produced the original file containing the dismissal proceedings against Mr. G.B. Sawant. The same is taken on record. From the file produced, it appears that Ms. Mardekar was also issued a Show Cause Notice along with Mr. Sawant and I am informed by Mr.Khandekar that initially she too was also suspended. Mr. Khandekar undertakes to handover the file of Ms. Mardekar to the learned Associate within a period of two weeks from today. The undertaking is accepted.

7. Stand over to 17th December, 2015 at 3.00p.m.

(S.J.KATHAWALLA, J.)