

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

COMMERCIAL SUIT NO. 68 OF 2020

NATIONAL INSURANCE COMPANY LIMITED)...PLAINTIFF

V/s.

HELVETIA SWISS INSURANCE COMPANY LTD.)
(SINGAPORE BRANCH) AND ANOTHER)...DEFENDANTS

Mr.Bomi Patel a/w. Mr.Sarthak Behera and Mr.Vineet Sawant, Advocate
for the Plaintiff.

None for the Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 9th APRIL 2026

PC. :

1. Pursuant to the order dated 12th March 2026, today when the matter is called out, Mr.Bomi Patel, learned Counsel, appears for the Plaintiff and submits that the Plaintiff's witness no.1 is present and this Court may proceed to mark the balance documents and that the original Compilation of documents has been located.

2. Ms.Nisha Khilari viz. the Plaintiff's witness is directed to step into the witness box and is administered oath by the learned Court Associate.

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PW-1 :

Name : Mrs.Nisha A. Khilari
Age : 58 years
Occupation : Deputy Manager, National Insurance Co. Ltd.
Address : MLCBO, National Insurance Building,
14 J, Tata Road, Churchgate, Mumbai – 400020

Further Examination-in-chief of Mrs.Nisha A. Khilari, PW-1 on S.A. :

(Witness is shown Affidavit dated 18th November 2025 along with Certificate under Section 65B of the Indian Evidence Act, 1872, and also the documents forming part of the Compilation of documents dated 20th November 2025.)

This is my Affidavit. I have affirmed and verified this Affidavit by signing at the foot of this Affidavit. I identify my signature on this Affidavit. The contents of this Affidavit are true and correct to my knowledge and belief.

I am also producing the Compilation of documents dated 20th November 2025 comprising of 108 documents.

The witness has deposed to the truth and contents of the said Affidavit along with Certificate under Section 65B of the Indian Evidence Act, 1872 and the Compilation of documents.

There being no questions in oral examination-in-chief, the Affidavit dated 18th November 2025 along with Certificate under Section 65B of the Indian Evidence Act, 1872, is marked as **Exhibit PW-1/2**.

3. Mr.Patel submits that despite service of the documents in the Compilation dated 20th November 2025 neither any request for

discovery and inspection is made nor any Statement of admission and denial is filed, and therefore, this Court proceed to mark the documents in the Compilation of documents.

4. The document at serial no.2 in the Compilation of documents is a copy of the media press release dated 17th November 2014 issued by the Defendants. In the Affidavit of evidence in paragraph 5 it has been stated to be a public document. Section 74 of the Indian Evidence Act, 1872, describes the following documents as public documents :

“74. Public documents – The following documents are public documents -

(1) documents forming the acts or records of the acts -

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive, of any part of India or of the Commonwealth or of a foreign country;

(2) public records kept in any State of private documents.”

5. The Affidavit nowhere states that the said document at serial no.2 in the Compilation of documents viz. a copy of the media press release dated 17th November 2014 is a public document as described in the Section nor does the said document filed in the said Compilation of documents fits into the said description and therefore, the said

document cannot be marked as an exhibit and the same is to be marked as Article 1. Accordingly, the document at serial no.2 is marked as **Article 1**.

6. Since it is already 1.40 p.m. and there is also a Supreme Court expedited matter and there are another 45 matters on board, list for further marking of documents on **25th June 2026**.

7. The Plaintiff's witness is discharged for the day.

8. Let the Plaintiff's witness remain present in Court on the next date.

(ABHAY AHUJA, J.)