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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5124 OF 2015

Chhabulal Ganpat Koli and Others

PETITIONERS

VERSUS

Vasant Ramchandra Patil (Died) LRs & others

RESPONDENTS

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Mr. M. M. Bhokarikar, Advocate for the petitioners

Mr. S. K. Tambe, AGP for respondent State

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 12th JUNE, 2015

ORDER :

1. Heard learned advocate for the petitioners.
2. The petitioners purport to have been aggrieved by order dated 14th January, 2015 allowing Exhibit-145 in Regular Civil Suit No. 211 of 2008. Exhibit-145 had been moved for exhibition of a registered sale deed dated 23rd April, 1969, which is stated to have been executed after due permission by relaxing the condition and plaintiff had produced original sale deed as well as original order passed by the Tahsildar.
3. It is the contention of learned advocate for the petitioner that the sale deed is void as it was in breach of conditions under

the provisions of Bombay Inferior Watan Abolition Act, 1958. As such, it ought not to have been exhibited. Therefore, the order directing exhibition of the same, impugned in the petition is bad.

4. Perusal of the impugned order shows that the trial court has observed that mere exhibition of document does not dispense with the proof of its contents and further that document appears to have come from proper custody.

5. Taking into account provisions of Evidence Act, particularly section 90, the observations occurring in the impugned order can hardly be faulted with nor it can be said that the order is illegal, improper or incorrect.

6. Having regard to aforesaid, I do not deem it appropriate to interfere with the impugned order passed by the learned trial judge. Writ petition as such, stands rejected.

[SUNIL P. DESHMUKH, J.]