

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 586 OF 2015**

Smita Chikhale & Anr.

..Petitioners

Vs.

Gajanan Khatu

..Respondent

**Mr. Ameya Tamhane for the Petitioners
Ms Duraiya Retiwala for the Respondent**

**CORAM : R. M. SAVANT, J.
DATE : 29th JANUARY, 2015**

P.C.

1 The Writ Jurisdiction of this Court is invoked against two orders i.e. order dated 3-7-2014 and the order dated 12-12-2014 passed by the Learned Judge of the City Civil Court, Mumbai. By the first order, the objection of the Petitioner to receive in evidence the document in question being a notarised copy of Samjhauta patra was turned down and the said document was marked as Exhibit 38. By the second order, the review application being Exhibit 133 filed by the Petitioner seeking review of the order dated 3-7-2014 came to be rejected.

2 In so far as the second order dated 12-1-2-2014 is concerned, it has been observed in paragraph 8(ii) of the impugned order to the following effect :

“Furthermore, in the case in hand, even if it is the stand of defendants that, notary did not follow proper procedure and document can not be said

to be proved can be considered at the time of passing judgment.”

The same further reiterated in paragraph 10 of the impugned order and the said excerpt of paragraph 10 is reproduced herein under :

“Furthermore, even in the light of observations of Hon'ble High Court if at the final stage while appreciating the evidence sanctity of present documents can be decided.”

3 Hence the objection to the document being received in evidence has been kept open by the Trial Court for a decision being rendered at the hearing of the Suit. In the light thereof there is no warrant to interdict in the Writ Jurisdiction of this Court at this stage. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]