

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9343 OF 2015

M/s. J.M. Constructions

.. Petitioner

vs.

Antoinette Gomes and ors.

.. Respondents

Mr. Charles D'Souza for the Petitioner.

Mr. Zubin Behram Kamdin and Ms Shlesha Sheth i/b Ranjana Parikh
for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 08 OCTOBER 2015.

P.C. :-

1] Heard learned counsel for the parties.

2] There is no necessity to interfere with the impugned orders at this stage, in the exercise of extra ordinary jurisdiction under Article 227 of the Constitution of India. However, it is required to be clarified that mere marking of documents as Exhibits does not dispense with the requirement to prove the contents thereof. This principle shall be applied by the Trial Court in the present case as well. Besides, if at all, the matter is ultimately decided against the Petitioner, the Petitioner will have an opportunity to question this impugned order alongwith the substantive appeal that they may

choose to institute before the Appeal Court. Therefore, the Petitioner would be entitled to raise all contentions raised in this petition, if and when occasion arise for instituting a substantive appeal.

3] There is accordingly no reason to interfere with both the orders impugned in this petition.

4] For the aforesaid reasons, but subject to the aforesaid observations, this petition is not entertained. Accordingly, same is dismissed.

5] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

dinesh