

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4515 OF 2014

Lukbahadur Parvat Gurung Vs. Asha Laln Prasad

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Smt V. Khadekar Adv for petitioner.
Shri Anthony Adv for respondent.

CORAM: A. S. CHANDURKAR J.

DATED: 14 JANUARY, 2015.

Challenge in the present Writ Petition is to the order dated 10.07.2014 passed below Ex. 27 whereby the application filed by the petitioner-original defendant seeking review of order passed below Ex. 25 has been rejected.

During the course of the plaintiff's deposition the objection raised by the defendant to exhibiting the document of acknowledgment was upheld. Subsequently the plaintiff filed application vide Ex. 25 for exhibiting very same document. Said application came to be allowed on 18.03.2014. The defendant, therefore, sought review of

aforesaid order on the ground that the counsel was not heard when Ex. 25 came to be decided and further that said error could have been corrected in appeal. The trial Court rejected said application and maintained its earlier order.

Though various grounds are raised by the learned counsel for the petitioner in support of the petition and the same are also sought to be countered by the learned counsel for the respondent, it is not necessary to go into merits of the same. Suffice it to observe that trial Court while passing order below Ex. 25 on 18.03.2014 has clearly observed that merely exhibiting the document would not amount to proof of its contents. In view of this clear observation, that the document has been marked merely for the purposes of identification and keeping the objection of the defendant as regards proof of its contents open in that regard, there is no reason to interfere with the impugned interlocutory order. Writ petition stands disposed of with aforesaid observations.

JUDGE