

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 WRIT PETITION NO. 252 OF 2016

**PRAMODKUMAR SHARADKUMAR TIWARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Shri. Abhijeet Choudhari, Advocate, for petitioners.
Shri. A.P. Basarkar, Assistant Government Pleader, for
respondent Nos.1 to 3.
Shri. S.R. Kedar, Advocate, for respondent Nos.4 to 7.

CORAM: T.V. NALAWADE, J.

DATE : 19th AUGUST 2016

ORDER:

1) The petition is filed to challenge the order made on Exhibit 86 in Special Civil Suit No.39/2010 made by the learned Civil Judge, Senior Division, Majalgaon. Heard learned counsel for the petitioner.

2) The application was moved by present petitioner, original plaintiff for granting permission either to lead secondary evidence in respect of two documents or to call the record from the High Court as the record was produced in other matter and that record is lying in second appeal pending in this Court.

3) The record which the present petitioner, plaintiff, wants to produce and prove is the record of inquiry made by the Atiyat Court under Atiyat Inquiry Act regarding Muntkhab and copy of so called Muntkhab. It appears that in the Atiyat Inquiry proceeding that record was available and it was considered and on that basis the orders of succession etc. were made. It appears that the Court below has considered the matter with the presumption that original Muntkhab is available. If the Muntkhab is considered by Atiyat Court and some orders are made, copies of orders can be treated as public record and certified copies can be accepted in evidence. There is no question of leading secondary evidence in that regard. In view of these circumstances, there is no possibility of interfering in the order made by the trial Court. The petitioners can obtain certified copies and produce the same in the trial Court. With these observations the petition is disposed of as rejected.

Sd/-
(T.V. NALAWADE, J.)

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