

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

WRIT PETITION NO.9363 OF 2015
WITH
CIVIL APPLICATION NO.13063 OF 2015

Kishan s/o Jalbaji Wade ... PETITIONER

VERSUS

Shakuntalabai w/o Purbhaji Wade & ors. ... RESPONDENTS

.....
Shri A.P. Bhandari, Advocate for petitioner
Shri Vivek Bhavthankar, Advocate for R.No.1 to 4
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CORAM: T.V. NALAWADE, J.

DATED: 30th August, 2016.

ORAL ORDER :

1. This petition is filed to challenge the order made by learned Civil Judge, Senior Division, Nanded on Exh.267, filed in Regular Civil Suit No.42/2012. Both the sides are heard.

2. The aforesaid application was filed by defendant for

giving exhibit to one document, which the defendant wanted to use in evidence. The document is written on general stamp paper of Rs.10/- denomination and is titled as "Partition Deed". The plaintiff took objection for giving exhibit to the document contending that it is a partition deed and as it was not registered and as necessary stamp duty is not paid, the document cannot be exhibited in evidence. The trial Court has held that the document cannot be exhibited. This Court is avoiding to go into the reasoning given by the trial Court for refusal to give exhibit to the document. This Court is also avoiding to go into the contents of the document to interpret it.

3. The purpose of both the sides can be served if at present the document is given exhibit for the purpose of identification. At the end, not only on the basis of contents of document but also on the basis of other evidence, it will be open for the Court to interpret the document viz. to hold that it is a partition deed or it is a memorandum of partition.

4. With the direction to give exhibit to the document for the purpose of identification and with the aforesaid observations, present petition stands disposed of.

5. The suit is expedited. The suit be decided within four months from the date of this order.

6. In view of disposal of the Writ Petition, Civil Application No.13063/2015 stands disposed of.

(T.V. NALAWADE, J.)

fmp/wp9363.15