

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3427 OF 2014

Shri Nasruddin Sadruddin Hudda

And Others

... Petitioners

Versus

Shri Vasudev Anant Kathe And Others

... Respondents

.....

Mr. Suresh Shah for the Petitioner.

Mr. Pratik B. Rahade i/b P.N. Joshi for Respondent No.4.

Mr. V.R. Kasale i/b Ram & Co., for Respondent No.7 to 9.

.....

CORAM : R.M. BORDE, J.

DATE : 21 SEPTEMBER, 2016

P.C. :

. The Petitioner is objecting to the orders passed below Exhibits 221 and 223 by the VI Joint Civil Judge, Senior Division, Nasik, allowing the application tendered by the Defendant Nos.7 to 9 to lead the evidence in respect of factum of payment of consideration towards the purchase of the property under the sale deed as well as rejecting the application tendered by the Plaintiffs at Exhibit 223, seeking prohibition against the Defendants from leading the evidence for proving the said receipt produced by the Plaintiffs.

2 I have perused the orders passed by the Trial Court. Defendant Nos.7 to 9 have pleaded in their written statement that the contention raised by the Plaintiffs about the sale deed being without consideration, is incorrect and that they have parted with the amount of consideration

recorded in the sale deed. In order to prove the contention in respect of the passing of the consideration to the Plaintiffs, Defendant Nos.7 to 9 want to produce the evidence in the form of receipts. The Trial Court has permitted the production of the receipts and also permitted them to lead the evidence to substantiate their contention in respect of passing of the consideration recorded in the sale deed.

3 I do not find that the Trial Court has committed any error in permitting Defendant Nos.7 to 9 to lead the evidence in respect of passing of the consideration. It will be open for the Plaintiffs to put forth their contention as regards the genuineness of the receipts or may raise any other defence to substantiate their contention. With liberty as above, the Petition is dismissed. Otherwise also no interference is called for in the orders passed by the Trial Court at the interlocutory stage of the proceedings in exercise of extraordinary jurisdiction under Article 227 of the Constitution of India.

(R.M. BORDE, J.)