

Sequeira

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

WRIT PETITION NO. 11253 OF 2013

Mr.Bharat Kumar Parasmal Jain. .. Petitioner
Vs.
The State of Maharashtra & anr. .. Respondents

Mr.Anand Mishra i/b Mr.A.M.Saraogi, for the Petitioner.
Mr.A.R.Metkari-Assistant Government Pleader, for Respondent No.1.
Mr.Sandeep Mahadik i/b Prabha Badadare, for Respondent No.2.

***CORAM : N.M.Jamdar, J.
Tuesday, 16 August 2016.***

P.C. :

Heard learned counsel for the parties. The learned counsel for the Petitioner submitted that the document at page no.87 of compilation of documents was never part of the compilation and it was inserted in the compilation by way of forgery by the Respondents. He submitted that therefore, the view taken by the learned City Civil Court, Mumbai in the impugned order is incorrect. He submitted that this document therefore cannot be taken into consideration and suitable action be instituted against Respondents.

2. As regards the allegation of forgery is concerned, it was made before the learned City Civil Court, Judge. The learned Judge, in-charge of the Court and hearing the suit, after examination of record produced found that there was no such forgery and the document was part of the record from the inception. The learned Judge has therefore, found it not necessary to institute any action. This being the satisfaction of the learned Judge who is in-charge of the proceedings, is not necessary to substitute his satisfaction in the writ jurisdiction. As regards the issue as to whether the document has been correctly executed and whether it should be relied upon or not, the Petitioner can always take up this issue in Appeal if the decision of the suit is against the Petitioner. Keeping this argument regarding admissibility of document open in the Appeal as above stated, the Writ Petition is disposed of.

(N.M.Jamdar, J.)