

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.1606 OF 2016

(Rajesh Sohanlal Malpani ..vs.. Shashank Govindprasad Pande)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 02-08-2016

Heard Shri S.A. Marathe, Advocate for the petitioner-original defendant and Ms. R.R. Dadiyal, Advocate for the respondent-original plaintiff.

2. The defendant has challenged the order passed by the learned trial Judge rejecting the application (Exhibit 52) by which the defendant prayed that the documents below Exhibits 20 to 23 be de-exhibited. The submission on behalf of the petitioner-defendant is that the plaintiff has filed photocopies of sale-deeds which are exhibited at the time of recording examination-in-chief of the plaintiff and when this mistake is noticed, application (Exhibit No.52) was filed to de-exhibit the documents.

In paragraph No.3 of the impugned order, the learned trial Judge has considered all the relevant aspects and has recorded reasons which are in consonance with the proposition of law laid down in paragraph No.92 of the judgment given by the Full Bench of this Court in the case of ***Hemendra Rasiklal***

Ghia vs. Subodh Mody reported in **2008(6) Mh.L.J. 886**. The Advocate for the respondent has submitted that the documents which are given Exhibit Nos.20 to 23 fall in the category (iii) referred in paragraph No.92 of the above referred judgment. The learned trial Judge has rightly recorded that the evidentiary value of the documents will be considered at the time of final adjudication.

3. I do not find any illegality or infirmity in the impugned order. The petition is dismissed. The parties to bear their own costs.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 06-08-2016.

P.A. to Hon'ble Judge.