

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

WRIT PETITION NO. 3296 of 2016

1. Kachru S/o Barkuji Bankar,
age 58 years occupation service
R/o Chinar Garden, Padegaon, Aurangabad.
2. Vijay S/o Keshav Borde,
age 43 years occupation agriculture
R/o Tadpimpalgaon Taluka Kannad Dist. Aurangabad.

...PETITIONERS

VERSUS

1. Kausabai Gangadhar Satpute,
age 78 years occupation household
R/o Kanchanwadi, Aurangabad.
2. Bhimabai Khandu More,
age 63 years occupation household
R/o Tad-Pimpalgaon Taluka Kannad Dist. Aurangabad.
3. Shantabai Trimbakrao Satdive,
age 83 years occupation household
R/o Ambedkar Nagar, Jalgaon road, Aurangabad.
4. The State of Maharashtra,
Through the Collector, Aurangabad.
5. The State Bank of India
through its Manager,
Khadkeshwar Branch, Aurangabad.

...RESPONDENTS

Mr Mobin H. Shaikh, Advocate for petitioner
Mr M.N. Kolhe, Advocate for respondents No.1 to 3
Mrs. Vaishali Patil, Asstt. Govt. Pleader for respondent No.4

CORAM : N.W. SAMBRE, J.

DATE : 30th October, 2017

ORAL ORDER :

Leave granted to amend the title clause in relation to respondent No.5. The amendment be carried out forthwith.

2. Heirship certificate issued by the Gram-pachayat is exhibited in Miscellaneous Application Requiring Judicial Inquiry No. No. 919 of 2013, of which de-exhibit is sought by the petitioner, which came to be rejected on February 4, 2016. As such, this petition.

3. Whether the document Exh. 28 is rightly accepted in evidence and accordingly exhibited, is an issue, which could be gone into at the stage of final hearing of the suit, in view of the law laid down by the Apex Court in the matter of **Bipin Shantilal Panchal Vs. State of Gujarat {(2001) 3 Supreme Court Cases 1}**

4. Keeping in view the option of agitating the said issue as regards proper exhibition and receipt of the document Exh. 28 in evidence to be exhibited at the time of final hearing, in my opinion, no interference is warranted at this stage in the petition.

5. As such, the petition stands dismissed with above observations and liberty.

(NITIN W. SAMBRE, J.)

pjm