

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

WRIT PETITION NO. 4642 OF 2016

Shrikant Rangnath Mande

..PETITIONER

VERSUS

Sudhakar Rangnath Mande

(Died) Through L.Rs.

Jyoti Sudhakar Mande and Others

..RESPONDENTS

....

Mr. R.D. Sanap, Advocate for petitioner.

Ms. S.R. Rajput, Advocate for Respondent Nos. 1A to 1D.

Smt. S.L. Awchar, Advocate for Respondent Nos. 2 to 4.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 16th JUNE, 2017

ORDER :

1. While issuing notice on 12th July, 2016, this Court has passed the following order:

“1. Learned counsel for the petitioner states that the impugned order has been passed without there being any say on behalf of the present petitioner to the application Exhibit-48 in Regular Civil Suit No. 336 of 2012 pending before the 5th Joint Civil Judge Senior Division, Ahmednagar. He further submits that the certified copies which are sought to be relied on may not be said to have any authenticity. For the same, he submits that the society itself has been dissolved in 2000 and the copies have been issued only in 2015-2016.

He submits that petitioner did not get sufficient opportunity to point out aforesaid position before the trial court.

2. *In view of aforesaid, issue notice to the respondents, returnable on 9th August, 2016.*

3. *Till returnable date, there shall be ad-interim relief in terms of prayer clause (D).*

4. *In addition to court process, the petitioner shall serve the respondents privately by any legally acceptable mode and to file affidavit along with tangible proof of service. In case of failure to serve the respondents privately and file service affidavit by returnable date, the ad-interim relief would cease to operate.”*

2. I have heard the strenuous submissions of the learned Counsel for the petitioner and the respondents. With their assistance, I have gone through the impugned order dated 05th March, 2016 passed by the Trial Court by which application at Exhibit 48 has been partly allowed. The respondent is before the Court, canvassing that the documents at Exhibits 57 and 58 have not been supplied to the petitioner.

3. It appears that these two documents pertains to the registration of the society and the by-laws of the said society. They are public documents and bear the seal of the society and signature of the authorised signatory which is

the Deputy Registrar. As per Section 161 of the Act, the Deputy Registrar is a public servant.

4. Considering the above, I do not find that the Trial Court has committed any error in exhibiting registration certificate of the society and the by-laws of the society at Exhibits 57 and 58. It is settled law that granting of an exhibit would not mean that the document is proved under the Evidence Act.

5. As such, the respondents/original plaintiffs are directed to supply a copy of Exhibits 57 and 58 to the petitioner/original defendant within a period of four weeks from today, if not already supplied. The petitioner would bear the cost of preparing the copy of the said documents. Needless to state, the petitioner is at liberty to deal with the said documents, as provided in law. Accordingly, the petition stands disposed off.

(RAVINDRA V. GHUGE, J.)

SSD