

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8279 OF 2017

NANDRANIBAI W/o. LATE HARINARAYAN JAISWAL
VERSUS
LAXMINARAYAN MOHANLAL JAISWAL

Advocate for Petitioner : Shri R.M. Deshmukh.
Advocate for Respondent : Shri A.D. Kasliwal.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 06th September, 2017

PER COURT :

1. The petitioner has challenged the impugned order dated 23/03/2017, by which, the presumption under Section 90 of the Evidence Act has been extended and made applicable only to the extent of the signatures authenticating the copy of the sale deed No. 36/79 dated 17/07/1979. In effect, the Trial Court has, at that stage, not granted an exhibit number to the certified copy of the said sale deed.

2. Learned advocate for the petitioner submits, on instructions, that the petitioner desires to withdraw this petition and initiate steps through her secondary evidence with regard to the concerned sale deed keeping in view that the Trial Court has

permitted the petitioner to lead secondary evidence by virtue of the order dated 03/12/2016.

3. This petition, is therefore, disposed of as withdrawn. Since the petitioner has been granted a liberty to lead secondary evidence with regard to the sale deed, the petitioner is not remediless and she may lead secondary evidence, as may be permissible in law.

(RAVINDRA V. GHUGE, J.)

S.P.C.