

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10053 of 2012

Shantabai W/o Shantwan Sarode and another ...**PETITIONERS**

VERSUS

Shantabai W/o Shantwan Sarode and others ...**RESPONDENTS**

Mr Sharad V. Natu, Advocate for petitioners

Mr Y.V. Kakade, Advocate for respondents No. 1 to 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th November, 2017

ORAL ORDER :

Heard learned Counsel Shri Natu for the petitioners, at length. He submits that at the stage of final hearing of the suit, document is directed to be exhibited viz. certificate issued by the Executive Magistrate certifying the date of birth.

2. In my opinion, the said objection can be gone into at the stage of final hearing of the suit in view of the judgment of the Apex Court in the matter of **Bipin Shantilal Panchal Vs. State of Gujarat** {(2001) 3 Supreme Court Cases 1}.

3. It is always open for the petitioners to raise objection to the exhibition of the document, particularly, when there is no oral evidence in support of such document.

4. It is clarified that the Court has not tested the merits of the matter at the behest of either of the parties.

5. The petition stands disposed of in above terms.

(NITIN W. SAMBRE, J.)

pjm