

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

WRIT PETITION NO.3512 OF 2017

Smt. Parvatibai w/o Hari Gaikwad
and others ... PETITIONERS

VERSUS

Sau. Shantabai w/o Dattatraya Shinde
and others ... RESPONDENTS

.....
Shri B.M. Dhanure, Advocate for petitioners
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CORAM: S. B. SHUKRE, J.

DATED: 16th March, 2017.

ORAL ORDER :

1. Heard learned counsel for the petitioners.
2. Learned counsel for the petitioners submits that, the impugned order dated 1/8/12016 is patently illegal as it does not take into consideration the settled law that even an unregistered document can be exhibited and admitted in evidence in proof of a fact which terms the collateral purpose. He places reliance upon the case of **Yellapu Uma Maheshwari & ors. Vs. Buddha Jagadheeswararao &**

ors., reported in **2015(13) Scale 615.**

3. So far as the principle of law is concerned, as enunciated in the aforestated case, there can be no second opinion. However, the application vide Exh.150 which has been rejected by the impugned order, very clearly puts forth the intention of the defendant Nos.1 to 3 i.e. the petitioners. It says that, these petitioners intend to rely upon the partition deed for the purpose of proving the fact of partition, but nowhere states that they were intending to rely upon these documents for any collateral purposes. This being the fact that any reliance upon the case of Yellapu (supra) would render no help to the case of the petitioners.

4. I do not see any illegality or perversity in the impugned order. Writ Petition is dismissed.

(S. B. SHUKRE)
JUDGE