

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.13455 OF 2016**

Mrs Kalpana Deepak Kharate	... Petitioner
v/s	
Shri Madhukar Dhondiram Gangurde	... Respondent

Mr A.S. Khandeparkar with Mr A. Karandikar i/b M/s Khandeparkar and Associates for Petitioner.
Mr Rajendrakumar R. Galange for Respondent.

CORAM : B.P. COLABAWALLA, J.

DATE : JULY 10, 2017

P.C.:

1. This Writ Petition challenges an order dated 13th January 2016 passed by the 4th Joint Civil Judge, J.D., Kalyan. By the impugned order, the application moved by the Defendant (Petitioner before me) to exhibit the original rent receipts was rejected by the Trial Court. The Trial Court noted that earlier during the cross-examination, the Plaintiff had denied his signature and hence these rent receipts were not proved. They were accordingly marked for identification as Article Nos.1 to 6. The Trial Court was of the opinion that the Defendant will have to prove these rent receipts by proving

its execution by any modes available to her by proving the documents and that the Defendant will have to lead her independent evidence to prove the same. I find that there is absolutely nothing wrong in the impugned order. It is common ground before me that the Defendant has not led her evidence and has not even filed her affidavit of examination-in-chief. The Plaintiff is yet to be cross-examined. In these circumstances, I clearly find that the order passed by the Trial Court was correct and requires no interference. The Defendant is at liberty to prove these rent receipts when she lead her independent evidence. Writ Petition is accordingly dismissed. There shall be no order as to costs.

(B.P. COLABAWALLA, J.)