

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.13579 OF 2017**

|                                |   |                  |
|--------------------------------|---|------------------|
| 1. Jijabai Dashrath Shinde     | ] |                  |
| Age : 56 years, Occ. Household | ] |                  |
|                                | ] |                  |
| 2. Ramesh Kondiram Shinde      | ] |                  |
| Age : 48 years, Occ. Agri      | ] |                  |
|                                | ] |                  |
| Both residents of Pharandwadi, | ] |                  |
| Tal. Phaltan, Dist. Satara.    | ] | .... Petitioners |

***Versus***

|                              |   |                 |
|------------------------------|---|-----------------|
| Sangramsinh Mansingrao Kadam | ] | .... Respondent |
|------------------------------|---|-----------------|

Mr. Manmath S. Athalye for the Petitioners.

None for the Respondent.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 18<sup>TH</sup> DECEMBER 2017.**

**P.C. :**

1. Heard Mr. Athalye, learned counsel for the Petitioners.
2. By this Petition, filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 10<sup>th</sup> August 2017 passed by the District Judge-2, Satara, below Exhibit-46 in Regular Civil Appeal No.83 of 2009.
3. The said application was filed on behalf of the Respondent-Original Appellant for exhibiting the 'Receipts' to prove that the payment was

made to Original Defendant No.1-Jivajirao Krishna Pawar. The true copies of those 'Receipts' are produced at Exhibit-51 (*Annexure-3 to the Petition*). They were referred to Defendant No.1, who has admitted his signature and signature of his wife thereon. However, in the Trial Court, these 'Receipts' remained to be exhibited. Hence, it is submitted that, this application was filed before the Appellate Court to exhibit these 'Receipts'.

4. The said application was resisted by the present Petitioners on the ground that, mere admission of signature is not proof of its contents and document has to be proved in accordance with Sections 67 and 81 of the Indian Evidence Act.

5. The learned Appellate Court, however, found that the 'Receipts' were proved through the Deposition of DW-1 Jivajirao Krishna Pawar and, accordingly, exhibited the same.

6. The main grievance of the Petitioners appears to be to the observations made by the Appellate Court in paragraph No.8 of its Judgment that, *“these receipts are nothing but the receipts passed by Defendant No.1 and his wife towards consideration of suit land and hence required to be read in evidence by exhibiting the same”*. According to learned counsel for the Petitioners, such observations should not have been made by the Appellate Court.

7. Needless to state that, these observations are made only for the purpose of exhibiting those 'Receipts', in order to show their co-relation with the transactions in question and, therefore, those observations do not cause any prejudice to the Petitioners. The evidentiary value of these 'Receipts' will be considered finally by the Appellate Court in its Judgment. For that purpose, it was necessary to exhibit them so that they can be read in evidence.

8. Having regard to the fact that the 'Receipts' are duly proved through the evidence of DW-1 Jivajirao Krishna Pawar, no error can be found in the impugned order of the Appellate Court of exhibiting those 'Receipts'.

9. The impugned order passed by the Appellate Court, therefore, does not call for any interference and hence, the Writ Petition stands dismissed.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**