

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4003 OF 2017

Mr. Vikaskumar G. Jain & Another v/s. Mr. Premchand R. Jain & Others	..	Petitioners. Respondents.
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Mr. G. S. Godbole i/b. Ms. Rutuja Ambekar, for the Petitioners.
Mr. Praful Shah i/b. Mr. Umesh Dindore, for Respondent No.2.

CORAM: M.S.SANKLECHA, J.
DATE : 25th SEPTEMBER, 2017.

P.C:-

Petitioner has moved for urgent reliefs. Mr. Godbole, learned Counsel states the Respondents have been served.

2 This Petition challenge the order dated 24th October, 2016 passed by 2nd Joint Civil Judge, Junior Division, Vadgaon maval, Pune. By the impugned order, the Petitioners' application that the agreement dated 18th July, 2001 cannot be accepted in evidence in the absence of registration, was rejected.

3 Mr. Godbole, learned Counsel appearing for the Petitioners very fairly states that he would urge the non-sustainability of the impugned order in appeal, if any, filed against the final decree passed in the pending Regular Civil Suit No.50 of 2014. This on the basis of Section

105 of the Code of Civil Procedure, 1908. However, he seeks liberty to cross examine the persons who tenders the agreement dated 18th July, 2001 during the trial without prejudice to his basic contention of the aforesaid agreement dated 18th July, 2001, could not have been received in evidence. Mr. Shah, learned Counsel appearing for Respondent No.2 has no objection. Liberty as prayed for, granted.

4 In the above view, nothing survives in this Petition. Therefore, the **Petition disposed of** in the above terms. No order as to costs.

(M.S.SANKLECHA,J.)