

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

WRIT PETITION NO. 3503 OF 2018

JITENDRA LALCHAND SONAR & ORS.

VERSUS

THE STATE OF MAHARASHTRA & ANR.

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Mr. V.B.Patil, Advocate for Petitioners.

Mr. S.K.Tambe, A.G.P. for State.

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CORAM : V.L.ACHLIYA, J.

DATE : 9th APRIL, 2018

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ORAL ORDER :

1. By this petition filed under Article 227 of Constitution of India, the petitioners – original plaintiffs have challenged the orders dated 21/01/2018 [passed below Exh. 42] and 06/03/2018 [passed below Exh. 52] in R.C.S. No. 153/2015 by Jt. Civil Judge [S.D.], Dhule.

2. Heard learned counsel for the petitioners and A.G.P. for the State. Perused the impugned orders.

3. On due consideration of the submissions

advanced, I am of the view the impugned orders calls for no interference in exercise of writ jurisdiction under Article 227 of Constitution of India. There is no perversity in the order passed by the trial Court.

4. Perusal of the order dated 02/01/2018 reflects that the order has been passed on due consideration of the Examination-in-Chief by way of affidavit filed vide Exh. 29. The specific reasons have been recorded as to why the documents are not admitted in evidence and marked as exhibits. The order passed being passed upon due consideration of affidavit by way of Examination-in-Chief filed by the plaintiff and further examined the admissibility of the document, the order can not be termed as perverse and contrary to law.

5. Similarly, the order dated 06/03/2018 passed below Exh. 52 also not suffers from any illegality. It is apparent from the application filed vide Exh. 52 that the petitioner – plaintiff has produced bunch of 60 documents along with the list and requested the Court to mark those documents as exhibits claiming that same are the documents obtained from the office of the Tahsildar and public documents. On due consideration of the application moved in the light of the documents produced, the Court has refused to entertain the request to mark the documents as exhibits only for the reason that the documents were

obtained from the office of the Tahsildar to term them as public documents. In the list filed, the petitioner has not mentioned the particulars of each of the documents sought to be produced in evidence and to be marked as exhibits. The procedure adopted by the petitioner of filing an application without entering the particulars of the documents in the list to be filed in accordance with law and then to request to mark those documents as exhibits, is a procedure unknown to law. If really the plaintiff wants to produce any document and same to be marked as exhibit, the plaintiff is required to adopt the procedure prescribed under C.P.C. Only because the documents are obtained as copies from the office of the Tahsildar, the documents can not be termed as 'public documents' to be admitted in evidence without formal proof. In this view, the order passed by the trial Court calls for no interference. The petitioner is granted liberty to adopt appropriate remedy to prove the documents in accordance with law.

6. The petition stands disposed of in above terms.

[V.L.ACHLIYA, J.]