

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 10200 OF 2018

RAGHUNATH GOPALA INGALE
VERSUS
ASHAWATI SURESHRAO BODHANKAR

...
Advocate for Petitioner : Mr. Mahesh V. Ghatge

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CORAM : V.L. ACHLIYA, J.
DATE : 12^h SEPTEMBER, 2018.

PER COURT:

By this petition filed under Article 227 of the Constitution of India, the petitioner have challenged the order dated 3.7.2018 passed by the Joint Civil Judge, J.D. Nanded in R.C.S. No. 659 of 2005. By the impugned order, the trial Court has rejected the application filed by petitioner to de-exhibit the documents.

2. Heard learned counsel for the petitioner and perused the impugned order.

3. On due consideration of submissions advanced, I am of the view, the impugned order calls for no interference in exercise of jurisdiction under Article 227 of the Constitution of India.

4. The view taken by the trial court that once the document is exhibited same cannot be de-exhibited, cannot be termed as perverse or

contrary to law. It is a settled principle of law that mere exhibiting the document itself not amounts to proof of contents of such document. In this context, it is useful to refer to the decision of this court in the case of ***Sunil Tukaram Bharadkar Versus Santosh Gopichand Rane***, reported in **2006(3) Mh.L.J. 811**, wherein, this court has held that mere endorsement on the document about the exhibit number that does not constitute exhibition of the document in evidence. If the certified copies of the documents are produced and marked as exhibits, still same are required to be proved in accordance with the procedure prescribed under law to be read in evidence. The trial Court has also observed that mere exhibiting disputed sale deeds is not sufficient to prove its case by plaintiff and those sale deeds are false, forged and fabricated, is the burden on the party who asserted and merely exhibiting those sale deeds is not sufficient.

5. In this view, there is no merit in the petition. Petition is dismissed as devoid of merit and substance therein.

[V.L. ACHLIYA]
JUDGE.

grt/-