

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

**CIVIL WRIT PETITION NO.1088 OF 2018**

Mrs. Sharmila Praful Patil ... Petitioner  
Vs.  
Mr.Praful Patangrao Patil ... Respondent

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Mr.Siddharth S. Deshpande for the Petitioner.  
Mr.Hitesh P. Vyas for the Respondent.

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**CORAM : SMT. BHARATI H.DANGRE, J.  
DATE : MARCH 9, 2018.**

**P.C.:**

. The present Writ Petition assails the order dated 6<sup>th</sup> December 2017, passed by the learned Judge Family Court, Pune, on an application filed by the Petitioner-Wife raising an objection for exhibiting the photographs tendered by the Petitioner-husband during the proceedings seeking a divorce. The photographs which were produced came to be exhibited as Ex.57 (1 to 18) and it is the grievance of the Petitioner that the same has been exhibited without complying the provisions of Indian Evidence Act, 1872.

The learned counsel for the Respondent would submit in an affidavit that the photographs, which were produced before the Family Court on 8<sup>th</sup> June 2017, have been taken on record,

exhibited and that was done before the cross-examination of the Petitioner was yet to begin and in fact, before the Family Court the Petitioner had raised objection for exhibition of these photographs and the same was turned down and the Family Court, permitted the photographs to be exhibited.

On perusal of the order passed on 6<sup>th</sup> December 2017, it appears that the photographs have been exhibited since they were tendered by the Respondent-husband. The apprehension expressed by the Petitioner is completely unfounded as merely because the photographs being exhibited do not lead to an interference that it is an admissible piece of evidence is not partake a conclusive proof. The objection is raised that without production of negatives, such exhibition of photographs is not permissible in terms of the provisions of Evidence Act, 1872. The said point can be raised at the time of arguments and it is permissible for the Petitioner to attack the veracity and the contents of the photographs as being tendered without following procedure or the manner prescribed under the Indian Evidence Act, 1872, to admit a particular document and the husband would have to take its consequences. Mere exhibition would not

lead to irresistible conclusion of admissibility of the documents. In such circumstances, the Petitioner is at liberty to raise appropriate objection about the contents of the photographs so exhibited at the stage of hearing before the Family Court. With the aforesaid observations, the Writ Petition stands disposed off.

**(SMT. BHARATI H. DANGRE,J.)**

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