

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

**WRIT PETITION NO. 5177 OF 2018
WITH
WRIT PETITION NO. 5968 OF 2018**

Shri.Ramdas Dattatray Naik (Deceased)
Through his heirs
Smt.Rekha Ramdas Naik (Wife) & Ors. ...Petitioners

Versus

M/s. B.J. Enterprises through
Its partner Shri B.J. Patel & Ors. ...Respondents

.....
Mr.Pramod N. Patil for the Petitioners.
Mr. Salik Khan for Respondent No.1 in both Writ Petitions.

.....
**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JUNE 05, 2018**

P.C. :

1. These Writ Petitions are directed against the order dated 26th February, 2018 passed by the learned 2nd Joint Civil Judge, Senior Division, Panvel below exhibits 123 and 129 in Special Civil Suit No. 399 of 2006.

2. Respondent no.1, who is original plaintiff, has tendered evidence through Power of Attorney Holder and also produced

number of documents. The petitioners/ defendants have filed an application taking objection to exhibit those documents and also for reading in evidence.

3. Perused the impugned order. The learned Judge of the trial Court has partly allowed exhibit 123 and rejected the application below exhibit 129. The trial Court rightly did not accept the cuttings of the newspapers. The trial Court has allowed the plaintiff to file original Power of Attorney. The order of the trial Court rejecting exhibit 129 in respect of deleting the portion in examination-in-chief is found correct. The impugned order passed by the learned Judge of the trial Court is well reasoned. No illegality is found in the impugned order. At this stage, I do not find any reason to entertain these Writ Petitions. If during the course of evidence, the document or proof by following proper procedure of the Evidence Act is filed, then the Court may accept the documents otherwise may not.

4. Hence, both the Writ Petitions are dismissed.

(MRIDULA BHATKAR, J.)