

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12964 OF 2016

Gopal Devbarao Deshmukh

(since deceased, LR)

Shivaji Gopal Deshmukh & Ors.

..... Petitioners

VERSUS

Janardan Govind Bhoir & Anr.

..... Respondents

Ms.Aruna G. Koli for the Petitioners.

CORAM : R.D. DHANUKA, J.

DATE : 8th OCTOBER, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 11th March, 2016 passed by the learned trial judge below Ex.70 in Regular Civil Suit No.35 of 2004 filed by the petitioners (original plaintiffs) and allowing the application filed by the defendants raising objection to exhibiting the three documents.

2. A perusal of the order dated 11th March, 2016 passed by the learned trial judge indicates that the learned trial judge has refused to exhibit those three exhibits on the ground that the same were not proved in accordance with the provisions of Indian Evidence Act. The learned trial judge however has granted opportunity to the petitioners to prove those three documents as per the provisions of Indian Evidence Act. The writ petition is pending in this court since 2016.

The matter is listed for final arguments before the learned trial judge.

3. I am not inclined to interfere with the impugned order passed by the learned trial judge on the ground that the petitioners can challenge this order along with the final order and decree if the petitioners is aggrieved by the said order and decree.

4. It is made clear that this court has not expressed any views on the merits of the impugned order passed by the learned trial judge on 11th March, 2016.

5. All contentions raised by the petitioners in this writ petition while impugning the order dated 11th March, 2016 can be raised along with the challenge to the final judgment and order if the petitioners are aggrieved by the same.

6. Writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

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