

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO.12771 OF 2018

ISHWARLAL OMKAR MARATHE
VERSUS
ARUN BHIKA MAHALE AND ANOTHER

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Advocate for Petitioner : Shri Patil Swapnil S.
Advocate for Respondents : Shri Patil Vijay B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 11, 2019

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PER COURT :-

1. I have heard the learned Advocates for the respective sides on 10.1.2019.
2. Learned Advocate for the respondents sought time to take instructions as to whether the copy of the measurement map dated 27.1.1939 can be exhibited by keeping all contentions of the parties open.
3. It is submitted today by the Respondents' Advocate, on instructions, that as the petitioner contends that the said map has been proved and as the respondents contend that the said map has not been proved by the plaintiff, an exhibit number could be granted since it is produced by a statutory authority and all contentions of the parties be

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kept open as regards the evidentiary value of the said document to be decided by the trial Court while hearing the final arguments. The petitioner is agreeable.

4. In view of the above, the impugned order dated 13.7.2017, to the extent of Clause 8(3) is quashed and set aside. Application Exhibit 153 is allowed and the map dated 27.1.1939 be exhibited. Needless to state, whether the said map has been proved by the plaintiff or not, in view of the Indian Evidence Act, is left open for the trial Court to consider, while deciding the suit on its own merits.

(RAVINDRA V. GHUGE, J.)

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