

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3464 OF 2019

Sylvester Mathew Joseph Dias and Ors.	...Petitioners
vs.	
Ashok Madanlal Dewan	...Respondent

Mr. Suresh Rajeshwar, for the Petitioners
None for the Respondent

CORAM : M. S. SONAK, J.

DATE : MARCH 18, 2019

P.C.:

. Heard Mr.Rajeshwar, for the Petitioners.

2. The challenge in this Petition is to the order dated 8th February, 2019 by which the learned trial Judge has dismissed the Petitioner's Notice of Motion to de-exhibit and impound four documents referred to paragraph No. 1 of the impugned order.

3. Learned counsel for the Petitioners submit that all the four documents required registration, since, they relate to immovable properties, having value more than Rs. 100/-. He submits that such documents could therefore have not been admitted in evidence and in fact it is the duty of learned trial Judge

to impound these documents. This is having not been done, the order exhibiting these documents are in excess of jurisdiction and therefore warrant interference.

4. Having considered the aforesaid contentions of the learned counsel for the Petitioners, I am satisfied that this is not a fit case to interfere with the impugned order in the exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

5. In the impugned order, the learned trial Judge has hold that there is no bar to exhibit such documents and leading them in evidence in collateral purpose. Therefore, if such documents have considered for any purpose other than collateral purpose, the Petitioners will always have a right to challenge such consideration on a later stage. At this stage, however, there is no necessity to interfere with the impugned order.

6. For the aforesaid reason, this Petition is dismissed.

7. However, it is clarified that if ultimately the suit is

decided against the Petitioners, the Petitioners chooses to institute any Appeal against such decree, the Petitioners will have a right to challenge the impugned order by invoking provision under Section 105 of Code of Civil Procedure.

8. With liberty as aforesaid this Petition is dismissed.

9. There shall however no order as to costs.

10. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)