

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

WRIT PETITION NO. 11330 OF 2019

Mohsin Hasanali Jetpurwala
(Since deceased) Through LRs. & Ors. ... **Petitioners**
V/s.
Shabbir Ebrahim Nulwala & Anr. ... **Respondents**

Mr.Rashid Khan i/b. Zaidy & Co. for Petitioners.
Mr.P. H. Zaveri a/w. Mr.Ajinkya Udane i/b. Judicare Law Associates for
Respondents.

CORAM : A.S. GADKARI, J.

DATE : 4th November 2019.

P.C. :

1] The petitioners/original defendants in R.A.E. & R. Suit No.794/1279 of 2007 have impugned the Judgment and Order dated 6th August 2019 passed by the Appellate Bench of the Small Causes Court at Mumbai in Revision Application No.185 of 2019 dismissing the said Revision on the ground that, it is filed against an interlocutory Order dated 9th April 2019, passed by the learned Judge of the Small Causes Court below Exhibit-71, partly allowing the said application and

permitting to mark documents at Sr.Nos.3, 4, 19 and 20 as exhibits and rejecting the prayer for marking documents at Sr.Nos.5 to 18 (photographs) being marked as exhibits and directing the said documents to be marked as Articles.

2] The documents at Sr.Nos.5 to 18 at Exhibit-71 are photographs. The Trial Court has marked the said documents as Articles and has rightly marked the said documents as Articles. The said Articles (photographs) are yet to be proved as documents by leading evidence in that behalf by the petitioners. The person who has taken out the photographs is yet to be examined and cross-examined by the concerned. The admissibility of the said photographs is not yet ascertained.

3] In view thereof, the Trial Court has rightly passed Order dated 9th April 2019 directing that the said documents (photographs) at Sr.Nos.5 to 18 along with list at Exhibit-71 be marked as Articles.

4] In view of the above, I find no merits in the Petition.

Petition is accordingly dismissed in *limine*.

[A.S. GADKARI, J.]