

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2945 OF 2019

Mahadeo S/o Shivram Uchade (Since dead) through Legal Representatives
 1a) Smt. Kolilabai @ Durgabai Mahadeo Uchade and others.

Vs.

Rameshkumar Jagdishprasad Chandak and others.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A. P. Tathod, Advocate for petitioners.
 Shri A. Shelat, Advocate for respondent no.1.

CORAM : A. S. CHANDURKAR, J.

DATE : OCTOBER 15, 2019.

The challenge raised in the present writ petition is to the order passed by the trial Court below Exhibit 161 by which it has allowed the request made by the plaintiff for exhibiting documents at serial nos.9 to 16 as per the application dated 04.02.2019.

According to the petitioners, when they sought information with regard to the said documents it was informed that document no.16 which is an order dated 18.11.2004 passed by the Tahsildar was not in existence. On that count the application moved by the original plaintiff was opposed. The Trial Court by observing that said documents were certified copies of public documents allowed the application to that extent.

Heard learned counsel and perused the concerned documents. According to the learned counsel for the petitioners there are various corrections made in the order dated 18.11.2004 which is the document at serial no.16. Hence, existence of that document is itself

doubtful. On behalf of the respondents it is stated that certified copy of that document was available and was placed on record before the trial Court.

The documents at serial nos.9 to 16 have been permitted to be exhibited by observing that they were public documents. During the course of evidence it is always open for the petitioners to challenge the existence as well as contents of those documents. Since that defence is raised, it is permissible for the petitioners to take steps in that regard. This would take care of the apprehension expressed by the petitioner. In that view of the matter there is no reason for to interfere with the impugned order. In the light of aforesaid observation, the Writ Petition is disposed of.

JUDGE

Sarkate