

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

WRIT PETITION NO.4028/2019
Dipak Shriram Khadase and another
..Vs..
Rambhau Kondba Surve

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

Court's or Judge's orders

Shri V.K. Paliwal, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.
DATED : 14.6.2019.

Heard.

The original defendants have challenged the order passed by the trial Court by which the agreement dated 30th September 1982, adoption deed and family settlement are given exhibit numbers. The objection on behalf of the petitioners / defendants is that the documents are not admissible in evidence and, therefore, they cannot be given exhibit numbers. The petitioners / defendants also took objection for giving exhibit number to the certified copy of statement of Shantabai which was recorded before Tahsildar in revenue proceedings.

The submission on behalf of the petitioners / defendants is that the admissibility of documents is required to be examined by the trial Court before giving exhibit numbers to documents. To support the submission, reliance is placed on the judgment given by

this Court in the case of Durgashankar S. Trivedi and others V/s. Babubhai Bhulabhai Parekh reported in **2003(2) Mh.L.J.576.**

The issue of decision regarding admissibility of document in evidence, and the stage at which it is required to be decided is considered by the Full Bench of this Court in the case of *Hemendra Rasiklal Ghia V/s. Subodh Mody* reported in **2008(6) Mh.L.J.886.** In paragraph No.92(iii) it is laid down that the document which is inadmissible in evidence can be admitted at any stage and its admissibility can be adjudicated till the final judgment in the case. I find that the learned trial Judge has adopted proper procedure and it cannot be said that there is any error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

Hence, the writ petition is **dismissed.** No costs.

JUDGE