

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

WRIT PETITION NO. 3950/2019

Santosh B. Patil

..VS..

Laxman V. Dali

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

Court's or Judge's orders

Shri N.R. Saboo, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 11/06/2019

Heard.

The original plaintiff has filed this petition to challenge the order passed by the trial Court repelling the objection raised on behalf of the plaintiff to exhibit the document (Sauda Chitthi) and exhibiting the document. The contention of the plaintiff is that Sauda Chitthi is not registered and as per Section 17 (1) (a) of the Registration Act (as amended), the defendant cannot rely on the un-registered Sauda Chitthi to protect his possession as per Section 53A of the Transfer of Property Act.

While directing that the document Sauda Chitthi be exhibited, the learned trial Judge has specifically recorded that the evidentiary value of the Sauda Chitthi will be decided after the evidence of both the parties is recorded, at the stage of final hearing. The objection raised by the plaintiff infact is not decided and is left open for consideration at appropriate stage. The course adopted by the learned trial Judge is in

consonance with the proposition laid down in the judgment given in the case of Hemendra Rasiklal Ghia vs. Subodh Mody reported in 2008 (6) Mh.L.J. at page 886 [para no. 92 (iii)].

I find that the impugned order is just and proper. It cannot be said that the learned trial Judge has committed any illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

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

JUDGE

Ansari