

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

WRIT PETITION NO. 4653/2017

Kausalyabai R. Mangulkar & ors.

..VS..

Kalindi B. Mehre

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

Court's or Judge's orders

Shri S.K. Bhoyar, Advocate for the petitioner(s)
Shri A.S. Dhore, Advocate for the respondent

CORAM : Z.A.HAQ, J.

DATED : 26/07/2019

Heard.

By the impugned order, the learned trial Judge has refused to exhibit two documents dated 08/12/2010 styled as “Relinquishment Deed”, on the ground that the documents require registration and they are not registered.

The learned advocate for the petitioners – original defendants argued that the two documents, though styled as “Relinquishment Deed” are in fact not relinquishment deed but they refer to partition which had taken place earlier, and therefore they are required to be considered as memorandum of partition and those documents are not required to be registered. Alternate submission is made relying on the judgment given by the Full Bench of this Court in the case of Kushal S/o Bapurao Pawar vs. State of Maharashtra and another reported in 2008 (6) Mh.L.J. at page 912, that the document should be exhibited and decision on its admissibility should be taken at the time of hearing of the civil suit.

On examining the document dated 08/12/2010 (copy of which is placed on record at page no. 41 of the paperbook), it is clear that the respondent stated that her right in the properties in the name of Shri Ramrao Bajirao Mangulkar and Sau. Kausalyabai Ramrao Mangulkar came to an end on the execution of the document dated 08/12/2010. Hence, the submission made on behalf of the petitioners – defendants that the documents dated 08/12/2010 cannot be said to be the relinquishment deed but is only a memorandum regarding an earlier partition, cannot be accepted. It cannot be said that the learned trial Judge has committed any error by refusing to exhibit the two documents.

I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari