

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

WRIT PETITION NO.5773/2019

Vijay S/o Chintamanrao Chaphale
..Vs..
Manohar S/o Motiramji Zade 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 Nitin A. Jachak, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATED : 20.8.2019.

Heard.

2] The original defendant No.1A has challenged the order passed by the trial Court by which the application (Exh. No.92) filed by the plaintiff praying that the documents filed alongwith two lists (Exh. Nos.61 and 76) be exhibited, is allowed. Learned trial Judge has observed that the documents filed by the plaintiff are certified copies of revenue records and they being public documents, there is no impediment in exhibiting those documents.

3] Submission on behalf of the defendant No.1A is that the documents are exhibited after the recording of evidence of plaintiff's witness is complete and hence, the defendant No.1A is deprived of the opportunity of

cross-examining the plaintiff's witness viz-a-viz the documents exhibited as per the impugned order.

4] As far as the order passed by the trial Court allowing the application (Exh. No.92) is concerned, I find that it is proper and it cannot be said that any error of jurisdiction is committed by the trial Court. Hence, I see no reason to interfere with the impugned order.

5] The grievance made by the petitioner / defendant No.1A that he is deprived of cross-examining the plaintiff's witness viz-a-viz the documents exhibited as per the impugned order is concerned, defendant No.1A is granted liberty to make such request before the trial Court and if such request is made by moving an application, learned trial Judge shall decide the application according to law.

6] The writ petition is **disposed** accordingly. No costs.

JUDGE