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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4874 OF 2021

**TANAJI DADU BANDGAR
AND ANOTHER**

....PETITIONERS

V/s.

TANAJI SITARAM SHINDE AND OTHERS

.....RESPONDENTS

Ms. Manisha A. Devkar for the petitioners

Mr. Purushottam G. Chavan for Respondent nos. 1 to 4

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 31, 2021.

P.C.:

1] In a suit for declaration and perpetual injunction, defendant moved an application Exh. 489 on 28/07/2021 seeking production of original sale deed dated 25/07/1991 which is allowed on 28/07/2021. Petitioner-plaintiff moved an application Exh. 491 seeking review of the said order whereby production of original sale deed was allowed, which came to be rejected vide impugned order dated 29/07/2021.

2] The submissions are, both the orders referred above are contrary to the established procedure under the Indian Evidence Act. According to learned counsel, in absence of pleading, such document ought not to have been permitted to be produced.

3] I have perused order impugned order dated 29/07/2021 passed below Exh. 491 wherein the Trial Court has made specific observations on the issue of analysis of the evidence which will be brought on record by the respective parties at an appropriate stage of the proceedings.

4] Keeping such right of the petitioner in-tact so as to object the admissibility of evidence at the time of final hearing of the suit, in my opinion, no interference is warranted at this stage in extraordinary jurisdiction.

5] Petition stands dismissed.

[NITIN W. SAMBRE, J.]