

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

WRIT PETITION NO.3130 OF 2021

Chintaman s/o Pandurang Borde and others

Vs.

Sunil Janardhanrao Nagwanshi and another

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

Court's or Judge's orders

Mr. S. A. Mohta, Advocate for petitioners.

CORAM : AVINASH G. GHAROTE, J.

DATE : 15/09/2021

Heard Mr. Mohta, learned Counsel for the petitioners.

2. The petition challenges the order dated 11.8.2021, below Exh. 57, passed by the learned Trial Court, partly allowing the said application by permitting the defendant to cross-examine the plaintiff and his witnesses. However, the request for de-exhibiting the documents has been denied.

3. Learned Counsel for the petitioners submits that the documents have been exhibited behind his back and therefore, there was no opportunity granted to raise any objection, as to the admissibility to the documents, in view of which, the impugned order needs to be set aside.

4. There is no provision in law to de-exhibit document, once exhibited. It is equally settled position of law that mere marking a document as an exhibit does not dispense with the proof of the same. It would therefore, be permissible for the petitioner / defendant

to bring out the entire position regarding the admissibility of the documents during the course of the cross-examination of the plaintiffs and his witnesses. That being the position, I do not see any merit in the Writ Petition, accordingly the same is dismissed. No costs.

JUDGE

Sarkate