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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3471 OF 2022

Gangaram Choturam Bhatawale

PETITIONER

VERSUS

The Competent Authority, Sub Divisional Officer
and Others

RESPONDENTS

.....

Mr. Amit A. Mukhedkar, Advocate for the petitioner

Mr. S. W. Munde, AGP for respondent - State

Mr. D. B. Gaikwad, Advocate for respondent No.1

Mr. S. S. Bora, Advocate for respondents No.2 to 11

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th SEPTEMBER, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by the learned Civil Judge, Senior Division, Nanded below Exhibit-1 in Land Acquisition Reference No. 9 of 2019, thereby rejecting the request of the petitioner to exhibit the documents on the ground that the relinquishment deed is 30 years old and in view of section 90 of the Evidence Act it is admissible in evidence.

2. I have given due consideration to the submissions advanced by the learned advocate for the petitioner and learned advocates for the respondents and the learned Assistant Government Pleader.

3. While rejecting the prayer of the petitioner, the Trial Court has relied on the larger Bench Judgment of this Court in **"Hemendra Rasiklal Ghia V/s Suibodh Mody" 2008 (6) ALL MR, 352**. In the said decision, while answering question No.(A) *"At which stage, the objection to the admissibility and/or proof of document which may be produced or tendered should be raised; considered and decided by the Court?"*, it is held -

"Objection to the document which in itself is inadmissible in evidence can be admitted at any stage of the suit reserving decision on question until final judgment in the case."

4. In view of above ratio, the impugned order cannot be sustained and the same is hereby quashed and set aside. The Trial Court shall exhibit the the relinquishment deed and consider the objection about its admissibility in evidence at the time of final judgment in the case. Rival contentions of both the sides in respect of admissibility and relevancy of said documents are kept open.

5. With these directions, writ petition is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE