

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 56 OF 2022

**KARIM GUL MOHAMMED PATHAN
VERSUS
MAHARASHTRA STATE BOARD OF WAQF THR ITS CHIEF EXECUTIVE
OFFICER MAHA. STATE BOARD OF WAKF AND ORS.**

...
Advocate for Petitioner : Mr. Muftaba Gulam Mustafa
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CORAM : MANGESH S. PATIL, J.

DATED : 27 APRIL 2022

PER COURT :

1. In a part heard suit before the Wakf Tribunal filed by the revision petitioner himself, during the course of the trial, the respondents/defendants along with affidavit in lieu of examination-in-chief is filed under Order XVIII Rule 4 of the Code of Civil procedure sought to produce several certified copies along with list (Exh.68).

2. The revision petitioner opposed such production by filing a detail say *inter alia*, pointing out that except the document at Sr. No.50 other documents were not admissible in evidence and ought not to be exhibited. By the order under challenge in this revision the tribunal has allowed the production and having noted that those are certified copies either of the public

record or the documents which were already exhibited in earlier proceedings and were the certified copies of the documents, allowed the production and exhibited the documents.

3. Needless to state that it is trite proposition that mere exhibition of a document does not dispense with its proof. A party has a right at any stage of the proceeding to demonstrate that a particular piece of evidence or document was not admissible in evidence.

4. In spite of objection raised by the revision petitioner, the tribunal has exhibited the documents but that would not preclude him even in the course of arguments, in the suit to demonstrate and make an endeavour to satisfy the court as to how any or none of the document that was exhibited from this list was in fact legally admissible in evidence.

5. The trial cannot be held in such a piecemeal manner subjecting interlocutory orders to challenge in a revision.

6. The revision application is dismissed. It is made clear that the revision petitioner will have a right to satisfy the tribunal that any of the document from the list is not legally admissible in evidence.

(MANGESH S. PATIL, J.)