

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

919 WRIT PETITION NO.12075 OF 2022

**ABDUL AHAD ABDUL BASIT AND OTHERS
VERSUS
MOHAMMAD ABDUL SUBUR ABDUL HADI AND OTHERS**

...
Advocate for Petitioners : Mr. Ajinkya A. Joshi h/f.
Mr. Chaitanya C. Deshpande
...

CORAM : SANDEEP V. MARNE, J.

DATE : 05-12-2022

PER COURT :

. Considering the nature of order that I propose to pass, it is not necessary to issue notice to respondents.

2. Petitioners have challenged the order dated 02.09.2022 passed by the 9th Jt. Civil Judge Junior Division, Beed rejecting their application below Exh.45 in Regular Civil suit No.35 of 2018 for exhibiting document dated 29.06.1986. In their application, petitioners - plaintiffs stated that plaintiff no.3 had deposed in evidence about that document. He has also identified signatures of signatories therein.

3. Perusal of the order shows that the trial Court has not considered this aspect.

4. Another ground on which the application is rejected is that the deed is not registered and though it can be taken into

consideration for collateral purposes, it cannot be directly exhibited. However the exact collateral purpose for which it can be considered or whether the trial Court will consider it for collateral purpose has not been clarified in any manner.

5. Therefore in my view the order passed by the trial Court deserves to be set aside with directions to it to reconsider the application filed by the petitioners – plaintiffs (Exh.45) and decide it afresh on both the issues of evidence of plaintiff no.3 to prove the execution of document as well as to decide whether the trial Court would look into it for any collateral purpose in view of the fact that it is unregistered.

6. Accordingly order dated 02.09.2022 passed by the 9th Jt. Civil Judge Junior Division, Beed on application at Exh.45 is set aside. The application at Exh.45 stands restored.

7. The trial Court shall hear both the parties and decide the application afresh.

8. With the above directions, the writ petition is disposed of.

(SANDEEP V. MARNE, J.)