

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2706 OF 2022

Naresh Jain and Anr.

..Petitioners

Versus

Jayaben Chhaganlal Kesur and Ors.

..Respondents

Mr. Ranjit Dharmadhikari a/w Riya Makwana i/by IC Legal, for the
Petitioners.

Ms. K. C. Nichani i/by M/s. Bharat Vaishnawa & Co., for the
Respondent Nos.1 to 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th APRIL, 2022

PC.

1. Heard.

2. The orders impugned have resulted into exhibiting and
admitting the documents in evidence during the process of
conducting a suit in absence of a specific objection on the part of the
petitioners to that effect.

3. Drawing support from the judgments in the matter of
*SMS Tea Estates Private Limited Vs. Chandmari Tea Company
Private Limited* reported in (2011) 14 SCC 66 and *Santosh Anant
Raut Vs. Pukharaj Chogmal Rathod and Anr.* reported in 2010(4)
Mh.L.J. 22, the contentions are, the Court failed in its duty in

exhibiting and admitting the documents when in fact the documents are not registered and appropriate stamp duty is not paid. It appears that the petitioners have not raised such objection before the Court below at an appropriate stage, as a consequence, the Court below has passed an order impugned.

4. In my opinion, in view of Full Bench judgment of this Court in the matter of *Mr. Hemendra Rasiklal Ghia Vs. Subodh Mody* reported in *2008(6) ALL MR 352*, the Court below was justified in exhibiting and admitting the documents in evidence. No infirmity could be noticed in the order impugned.

5. The petition as such fails, dismissed.

[NITIN W. SAMBRE, J.]