

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7783 OF 2018**

Shrikrishna Varadaraj Acharya ...Petitioner

V/s.

Shri. Gurunath Kashinath Vaidya & Ors. ...Respondents

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Mr. Chandrakant N. Chavan, for the Petitioner.

Mr. Sanjeev Sawant i/b. Mr. Samir M. Suryawanshi, for the  
Respondent No.1.

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**CORAM : G. A. SANAP, J.**

**DATE : 22 April 2022**

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**P.C.**

. Heard the learned Advocate for the petitioner and the  
learned Advocate for the respondent No.1.

2. The learned Advocate for the petitioner submits that the  
respondent Nos.2 to 6 are not the contesting parties. The order  
impugned in this petition is dated 17 January 2017. The  
Appellate Bench of the Small Causes Court has partly allowed the  
revision application filed by the petitioner. The Appellate Bench  
of the Small Causes Court was not inclined to exhibit the  
documents at serial Nos.2, 8, 9, 10, 11 and 12. The Appellate

Court has recorded the reasons.

3. I have gone through the order passed by the learned Judge of the trial Court and the Appellate Bench of the Small Causes Court. It seems from the perusal of the order that the prayer made by the petitioner to exhibit the documents was not allowed in as much as the evidence led by the petitioner was not sufficient to prove the contents of the documents. I do not find any reason to interfere with the order. Perusal of the order would show that by this order the petitioner has been put to notice that the documents are not proved according to law and he is required to lead evidence. It seems on perusal of the order that the right of the petitioner to lead the evidence to prove the contents of the documents has not been foreclosed. The Appellate Bench of the Small Causes Court has taken care of the right of the petitioner. The petitioner ought to have accepted this order in right spirit. In view of the facts and circumstances, I do not see any substance in the writ petition. The writ petition is dismissed accordingly. It is made clear that the right of the petitioner to lead the evidence to prove the contents of the documents has not been foreclosed. The petitioner is at liberty to lead the evidence and prove the documents to the satisfaction of the Court.

**(G. A. SANAP, J.)**