

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5489 OF 2018

Murlidhar Vishwanath Chalak And Others

Petitioners

Versus

Bhaurao Nagurao Chalak And Others

Respondents

Mr. R.N. Dhakane h/f. Mr. S.S. Thombre, Advocate for the
petitioners.

Mr. S.R. Rodge, Advocate for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th JULY, 2023

ORDER :

1. Petitioners are aggrieved by the order passed by the Trial Court, thereby exhibiting the documents as Exhibit-164.

2. Petitioners/ original plaintiffs filed Regular Civil Suit No. 103/2008 for declaration and injunction in respect of the suit property. Defendants resisted the suit by filing written statement. At the time of leading evidence plaintiffs filed original notes (मुळ टिपन), in Urdu language, taken by the department at the time of measurement of the suit property, which were filed along with Exhibit-138.

3. Deputy Superintendent of Land Records, Kej, is examined as witness no. 3 for the defendants. He brought original files of three measurements of the suit property carried out by the department. He also brought original notes (मुळ टिपन) and the map of the suit property. Learned advocate for the plaintiffs objected to exhibit the original notes (मुळ टिपन) on the ground that original notes (मुळ टिपन) filed along with Exhibit-138 is in Urdu language and the same is not brought by the witness. Said objection was negated and the documents were exhibited as Exhibit Nos. 159, 160, 161, 162, 163 and 164. Petitioners are aggrieved by exhibiting the original notes (मुळ टिपन) as Exhibit-164.

4. Heard the learned advocate for the petitioners and learned advocate for the respondents. Perused the memo of writ petition, annexures thereto and the impugned order.

5. Since the Trial Court is seized of the matter, at this stage, this Court is not inclined to go into the merit of challenge raised in the present petition. Writ petition, is therefore disposed of by keeping the objection of the petitioners for exhibiting original notes (मुळ टिपन), open for consideration at the time of

final adjudication of the suit.

6. Trial Court shall consider admissibility, proof and relevancy of document at Exhibit-164, at the time of final adjudication of the suit.

[NITIN B. SURYAWANSHI, J.]