

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4958 OF 2023

Sopan Fuka Kale and others Petitioners
Versus
Shaligram Ramdas Kale and others Respondents

.....
Mr. Vijay B. Patil, Advocate for Petitioners
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2023

ORDER :

1. The petitioners/defendants are aggrieved by the order passed by learned 5th Joint Civil Judge, Senior Division, Jalgaon, below Exhibit 278 in Special Civil Suit No.201 of 2013, thereby allowing the application filed by the plaintiffs for exhibiting the documents.

2. Plaintiffs filed documents along with list of documents Exhibit-241. By application Exhibit-278, plaintiffs contended that they have produced some public documents along with the list of documents and due to oversight, these documents were not exhibited, therefore, they prayed for exhibiting the documents.

3. Learned counsel for the petitioners states that the documents ought not to have been exhibited by the Trial Court as plaintiffs' evidence is already over, and at the time of recording evidence of the plaintiffs these documents were given article numbers, and the Trial Court at that time, was of the view that whether the documents should be exhibited or not. However, after completion of the evidence of the plaintiffs, the Trial Court has erroneously exhibited the documents.

4. Heard the learned advocate for the petitioner. Perused the memo of Writ Petition, annexures thereto and the impugned order.

5. The Trial Court appears to have exhibited the documents by taking into consideration the evidence of PW-4 Sanjay (Cadastral Surveyor). It is admitted position on record that documents 'A', 'B' and 'C' sheets were prepared by PW-4 Sanjay, after carrying out measurement work. Article 'A' was referred to PW-4 Sanjay in his examination-in-chief as well as in his cross-examination. The Trial Court, therefore, was of the view that the documents are required to be given exhibit numbers.

6. It is settled legal position that merely because the documents are exhibited, it does not mean that the said documents are relevant and admissible in evidence. At the time of final adjudication of the suit, the petitioners are entitled to agitate about the relevancy and admissibility of the exhibited documents. There is no illegality or perversity in the order impugned in the petition. In the peculiar facts of the present case, the impugned order is not liable to be interfered with in the extraordinary writ jurisdiction of this Court.

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7. With these observations, writ petition is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane