

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

**937 WRIT PETITION NO.8205 OF 2016**

**GHALAMMA TIPANNA BIRAJDAR  
THROUGH POWER OF ATTORNEY HOLDER  
SHIVKUMAR TIPANNA BIRAJDAR  
VERSUS  
PRABHAKAR KASHINATH BIRAJDAR**

...

Advocate for Petitioner : Mr. Tukaram M. Venjane

Advocate for Respondent : Mr. G.V. Mohekar

...

**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : 06-01-2023**

**PER COURT :**

. Heard the learned counsel appearing for the parties.

2. In Regular Civil Suit No.102 of 2009 an application came to be filed by the petitioner – original plaintiff seeking to lead further evidence in order to prove the date of death of her mother in the year 1972. The learned counsel for the petitioner submits that date of death is material in as much as the contention of the respondent - defendant is that there was a compromise decree between the mother of the petitioner and father of the defendant in the year 1973. Death Certificate of the mother of the petitioner has already been produced through Gramsevak and is marked as exhibit in the proceedings.

3. Considering the fact that the Death Certificate which is a

public document is already on record and marked as exhibit through the defence witness, the same will be read in evidence and considered at the time of the final arguments. As such, no purpose would be served in permitting the petitioner to lead further evidence to prove date of death of her mother in the year 1972. The proceedings are of the year 2009 and are at the stage of the final arguments.

4. In view of the above, no prejudice would be caused to the petitioner as the Death Certificate of her mother is already on record.

5. The Writ Petition being devoid of merits is liable to be dismissed and is accordingly dismissed.

**( SHARMILA U. DESHMUKH, J. )**