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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8924 OF 2023

Vivekanand (Maratha) Shikshan Sanstha Through
its Secretary, Srimantrao Pandharinath Shishode PETITIONER

VERSUS

Rudraksh Land Developers Through
Vishnu Haridas Shinde and Another RESPONDENTS

.....
Mr. Umesh P. Darak, Advocate for the petitioner

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st AUGUST, 2023

ORDER :

1. The petitioner is aggrieved by the order passed by learned Civil Judge, Senior Division (Corporation Court), Aurangabad dated 18th October, 2022 below Exhibit-146 in Special Civil Suit No. 24 of 2010, thereby partly allowing the application filed by the petitioner and permitting the production of photocopy of gift deed, but rejecting the prayer for exhibiting the photocopy of the said gift deed.

2. Learned advocate for the petitioner contends that the said gift deed is admitted by the defendant in his written statement as well as in the cross-examination and, therefore, the Trial

Court ought to have exhibited the photocopy of the gift deed placed on record by the petitioner. But the Trial Court has erred in refusing to exhibit the said document on the ground that photocopy of the document cannot be exhibited.

3. No fault can be found with the approach of the Trial Court in refusing to exhibit photocopy of the gift deed. No jurisdictional error or error of law is committed by the Trial Court while passing the impugned order. No case is made out by the petitioner to warrant exercise of extraordinary writ jurisdiction to interfere in the impugned order. The petitioner is at liberty to move the Trial Court seeking permission to lead secondary evidence. With this liberty, the writ petition is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE