

AGK

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

WRIT PETITION NO.7127 OF 2022

Laxman Kondiba Gholap, deceased
through heirs & legal representatives

Laxman Gholap & Ors.

... Petitioners

V/s.

Baban Dattatray Gholap & Ors.

... Respondents

Mr. P.D. Dalvi i/by Mr. Kalpesh U. Patil for the
petitioners.

Mr. Nikhil N. Wadikar with Mr. Malhar N. Pawar i/by
Mr. Nandu Pawar for respondent Nos.1 to 5 & 7.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 30, 2023

P.C.:

1. By the impugned order dated 27 November 2020, the Appellate Court has rejected application for exhibiting certified copy of registered adoption deed filed before the Trial Court. According to the petitioners, foundation for leading secondary evidence was also led before the Trial Court. Application for permitting to lead secondary evidence was also filed before the Trial Court.

2. In view of the judgment of the Apex Court in **Union of India v. Ibrahim Uddin & Ors.** reported in (2012) 8 SCC 148, the Appellate Court is directed to consider the issue as to whether

the document is to be admitted in evidence or not at the time of final hearing of the appeal.

3. In view of the said judgment, the impugned order is set aside.

4. The writ petition is, therefore, disposed of by directing Appellate Court to decide the point of admissibility and proof of registered adoption deed at the time of final hearing.

5. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)