

AGK

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

WRIT PETITION NO.1557 OF 2019

Balasaheb Mahadu Mhaisdhune & Ors. ... Petitioners

V/s.

Khandu Rangnath Katad/Patil & Anr. ... Respondents

Mr. Nikhil Pujari for the petitioners.

Mr. Vikrant A. Desai i/by Mr. S.M. Kamble for
respondent Nos.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 4, 2023

PC.:

1. By the impugned order, the Trial Court has rejected request of the defendant to exhibit the map and certificate issued by the defendant.

2. In view of the Full Bench decision of this Court in **Hemendra Rasiklal Ghia v. Subodh Mody** reported in 2008 (5) CTC 577, the Trial Court can postpone adjudication on the decision of exhibiting the document if it falls into second category. In my opinion, the document as sought by the petitioner falls in second category. Therefore, the Trial Court shall decide before delivery of judgment as to documents in question shall be exhibited or not.

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

(AMIT BORKAR, J.)