

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

WRIT PETITION NO. 9575 OF 2022

Smt. Shalan Dyandev Kachare and anr ... Petitioners /
Plaintiffs

vs.

Shri. Tulshiram Kashinath Babar and anr ... Respondents /
Defendants

Mr. Rajaram V. Bansode for the Petitioners.

Ms. Manisha Devkar for Respondent Nos.1 and 2.

CORAM : SANDEEP V. MARNE, J.

DATED : 23 JANUARY, 2023

P.C. :-

1. Mr. Bansode, the learned counsel for Petitioners submits that the impugned order dated 13 June 2022 is challenged essentially on apprehension that Plaintiffs' application for impounding the documents would not be entertained as the document in question has not been marked as Exhibit. That apprehension appears to be misplaced. As and when an Application is moved by Plaintiffs for impounding the document in question, the trial Court is bound to decide the same on its own merits and whether the document bears exhibit number or not is inconsequential.

2. The present Writ Petition is disposed of with a clarification that in the event Plaintiffs move an application for impounding of document, the trial Court decide the same on

its own merits irrespective of the fact whether the document in question has been assigned exhibit number or not.

3. Needless to say that in the event of the document being impounded and the Plaintiff paying the request stamp fee and penalty, the same can be read into evidence by marking the same as an exhibit.

(SANDEEP V. MARNE, J.)