

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

**APPEAL FROM ORDER NO. 696 OF 2023**

Shri. Mittu M. Mujawar

...Appellant.

Versus

Laxman Sakharam Naik & Others

...Respondents

...

**Mr. Shivraj Gaonkar**, i/b Mr. Dhaval Ved for Appellant.

...

**CORAM: SANDEEP V. MARNE, J.**

**DATE : 29 AUGUST 2023.**

**P. C.:**

The appellant has challenged order dated 05 April 2023 passed by the Jt. Civil Judge (S. D.), Sindhudurg-Oros rejecting application for temporary injunction. The learned counsel for appellant would submit that apart from rejecting relief of temporary injunction, the learned Trial Court has recorded findings with regard to admissibility of the agreement for sale in the evidence. He would submit that even though the agreements are insufficiently stamped or unregistered, the Plaintiff wishes to have them admitted in evidence by exercising remedies that are available in law. He apprehends that the observations made by

the Civil Judge Senior Division while rejecting the application for temporary injunction would come in the way of Plaintiff in exhibiting those documents.

2. The observations made by the Trial Court are only for considering Plaintiff's application for grant of temporary injunction. The same would obviously not have any bearing on the issue of admissibility of the documents in evidence. If in the event Plaintiff makes out a case for admission of those documents in evidence, the Trial Court is bound to admit them. For that purpose Plaintiff can otherwise file an application for admission of those documents in evidence. Findings recorded in the impugned order dated 05 April 2023 cannot be applied for deciding issue of admissibility of documents in evidence. Apart from giving these clarifications, no merit is found in the present appeal.

3. With the above clarifications appeal is disposed of.

**SANDEEP V. MARNE, J.**

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