

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7132 OF 2023

Subhash Laxman Shinde ... Petitioner
Versus
Ashok Parasram Rayate ... Respondent

— —
Mr. Narayan G. Rokade for the Petitioners.
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CORAM : SHARMILA U. DESHMUKH, J.

DATE : June 20, 2023.

P. C. :

1. Heard.
2. The Petitioners questions the order dated 11th August, 2022 passed below below Exh.43 in Regular Civil Suit No.153 of 2015, whereby the respondent-plaintiff's application for exhibiting the document was allowed and the Respondent was permitted to reexamine the witness for the purposes of proving the document and liberty was also reserved to the Petitioner for cross-examination of the witness.
3. Learned counsel appearing for the Petitioner submits that the application as such was filed seeking the relief of exhibiting the document, however, the impugned, the Trial Court has permitted

re-examination of the witness.

4. Considered the submissions.

5. It is not in dispute that the documents which the petitioner seeks to exhibit, are already on record of the Trial Court. It is also not disputed that no objection was raised by the defendant to those documents during the evidence. These documents produced during the evidence of the Respondent remained to be marked and were not returned as “not admitted” document in accordance with the provisions of Order 13 Rule 7(2) and paragraph 524 of the Civil Manual.

6. Considering the above position, and also that exhibiting the documents is merely a ministerial act and the order in fact protects the rights of the Petitioner to cross-examine the witness, there is reason to interfere with the impugned order.

7. Needless to clarify that the Petitioner is entitled to take all objections as are permissible in law during the cross-examination of the witness if called for by the Respondent for the purpose of proving the documents.

8. Writ Petition stands dismissed.

(Sharmila U. Deshmukh, J.)