



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12679 OF 2023

Jaysing Bapu Gole and Ors.

... Petitioners.

Versus

Anandpur Gramasth Mandal and Ors.

... Respondents.

Mr. Ravi Kadam, Advocate for the Petitioners.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : November 02, 2023.

P. C. :

1. Heard.
2. The Petition challenges the order dated 19th August, 2023 passed by the Trial Court as regards the admissibility of the documents in respect of Serial Nos.4, 6, 10, 11 and 13 produced by the Petitioner along with list at Exh. 66.
3. Learned Advocate appearing for the Petitioner submits that as the documents are not exhibited the same, will not be read in evidence. He would point out that one of the documents is certified copy of the document furnished by the office of the Joint Charity Commissioner and the same being public document is required to be exhibited.
4. Perusal of the impugned order indicates that apart from the certified copy furnished by the office of the Joint Charity

Commissioner, the other documents at Serial Nos.6, 10, 11 and 13 are the documents of which neither the Petitioner is author nor the recipient of the said documents. The affidavit of the evidence does not prove the documents and as such, the documents have been marked as 'Article'. As regards the document at Serial No.4, perusal of affidavit of evidence would indicate that there is no deposition as regards the manner and by whom the certified copy of the document was obtained. It is also not deposed as to how the documents has come in the custody of the Petitioner.

5. The Petitioner is still in the witness box and all that the Trial Court has done is marked the documents as "Article" due to insufficient mode of proof. It is open for the Petitioner to lead sufficient evidence and get the same exhibited by examining proper witnesses. The remedy of the Petitioner is not foreclosed inasmuch as, the evidence has not yet been closed by the Petitioner.

6. In view of the above, the mode adopted by the trial Court of marking the documents as "Article" pending the proof of documents, cannot be faulted with. Writ Petition being devoid of merits, stands dismissed.

(Sharmila U. Deshmukh, J.)