



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 8368 OF 2023

Suresh s/o Chhotelal Kaithwas

VS.

Gayabai wd/o Vitthalrao Suryawanshi since deceased thr. LRs.

Office Memorandum of Appearances, or directions and orders	Notes, of Coram, Court's orders and Registrar's	Court's or Judge's orders
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Mr. Amit D. Bhate, Advocate for the petitioner.

CORAM : AVINASH G. GHAROTE J.

DATED : 20th DECEMBER 2023

It is contended that during the course of the cross examination of the Sub Registrar, it has been brought on record that page No.3 of the Sale Deed dated 01/04/1981 in the office of the Sub Registrar is missing and therefore, the document which has been placed on record and now directed to be exhibited by the impugned order, cannot be so done, as it is not copy of the original document by a mechanical process. What is material to note is that the copy sought to be exhibited is a certified copy of the said Sale Deed issued by the office of the Sub Registrar, which could be a document covered under Section 63(1) of the Evidence Act.

2. The apprehension is that the lacunas in the said Sale Deed cannot be pointed out to the Court. It clearly misconceived as it is a settled position of law that mere marking of a document as 'Exhibit' does not dispense with the proof of the same and in

case the petitioner is able to demonstrate that the requisite proof is absent or missing the Court can always take cognizance of the same and pass appropriate orders, I therefore do not see any reason to interfere in the impugned order. Accordingly, the writ petition is dismissed. No costs.

JUDGE