



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 6331 of 2023

[Shri Anandrao Bapuji Ekare ..vs.. Shri Mahadeo Bapuji Ekare]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Kirti Satpute, Advocate for the petitioner
Mr. A. A. Mohta, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 02-09-2024

The challenge is to order dated 6-7-2023 passed by learned Civil Judge Junior Division, Korpana, District Chandrapur thereby rejecting the application, Exhibit 165 filed by the petitioner – defendant to de-exhibit the document, which according to the petitioner, is the unregistered partition deed.

2. Learned counsel for the respondent – plaintiff submits that this document is not partition deed but a memorandum of family arrangement and, therefore, need not be registered.

3. Learned counsel for the petitioner has invited my attention to order dated 16-1-2010 passed by the trial Court wherein the objection taken by the petitioner for exhibiting the document under question has been upheld on the ground that the document is nothing but a partition deed and thus require registration.

4. Accordingly, learned counsel for the petitioner has made a prayer to de-exhibit the document.

5. I need not go into the aspect of de-exhibiting the document in as much as the law on the point is well settled. The document, even if marked exhibit, cannot be said to be proved. If the document under question is unregistered partition deed, the same cannot be read in evidence, even if it is exhibited. At the same time, if the said document, is a memorandum of family arrangement, can be read in evidence, if otherwise is proved in terms of the Evidence Act. In the circumstances, it is not necessary to de-exhibit the document.

6. Above clarification would serve the purpose of filing writ petition. The petition is accordingly disposed of.

(Anil L. Pansare, J.)