



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3056 OF 2025

1. Smt. Kalpawati W/o Ramakant Swami,
Age: 71 years, Occu: Household
2. Yogesh S.o Ramakant Swami,
Age: 51 years, Occu: Business
3. Nagraj S/o Ramakant Swami,
Age: 45 years, Occu: Business

(All petitioner No.1 to 3 R/o. House No.R-15/1311
Shantveer Sadan, Gawali Nagar, In front of Varsha
Apartment, Near Vivekanand Chowk, Latur, Tq & Dist. Latur)

4. Vaishali W/o Vikas Attur,
Age: 48 years, Occu: Household
R/o. House No. 10, 105/18,
Sharan Nagar, Pramhapur Tank band Road,
Gulbarga, Tq. & Dist. Gulbarga (Karnataka)

**....PETITIONERS
(Orig. Defendants)**

VERSUS

Ishwar S/o Shantiveerayya Swami @ Jangamwadi Math
Age: 71 years, Occu: Business,
R/p. Plot No.80, Tilak Nagar,
Osmanpura, Kranti Chowk, Aurangabad,
(Chhatrapati Sambhajinagar)
Tq. & Dist. Chh. Sambhajinagar.

**....RESPONDENT
(Orig. Plaintiff)**

...

Mr. Godbharle Vinod D., Advocate for the Petitioners
Mr. Prashant Madhav Nagargoje, Advocate for Respondent

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.07.2025

JUDGMENT :-

1. **Rule.** Rule made returnable forthwith. By consent of parties
heard finally.

2. The petitioners impugn order dated 16.12.2024 passed by learned Civil Judge Senior Division, Latur in Special Civil Suit No.113 of 2019 below Exhibit-88.

3. Mr. Godbharle, learned Advocate appearing for petitioners submits that petitioners are original defendants in suit. They filed application below Exhibit-88 seeking permission for production of documents and exhibit all those documents as per list annexed. However, Trial Court rejected application vide impugned order dated 16.12.2024. Mr. Godbharle further invites attention of this Court to documents produced. The first document is original Shop Act License. Document Nos. 2 to 4 are digitally signed documents. Document Nos. 5 to 8 are original tax receipts. He would, therefore, urge that there was no impediment in admitting all documents in evidence.

4. Per contra, Mr. Nagargoje, learned Advocate appearing for respondent vehemently opposes prayers in petition. He submits that production of documents is not disputed by plaintiff. However, there is no reason to exhibit unless defendant proves contents of documents by leading necessary evidence. Therefore, he urges that writ petition sans merit, hence, same be rejected.

5. Having considered submissions advanced, it can be observed that petitioner has produced original documents at serial No. 1 and 5 to 8, while documents at serial Nos. 2 to 4 are digitally signed. Prima facie, it appears that

all these documents are part of public record. Therefore, there is no impediment to exhibit documents. However, if law requires, contents of documents to be proved in accordance with law, it is for the defendant to lead necessary evidence. Exhibiting or admitting documents in evidence itself would dispense proof of contents thereof unless law presumes correctness of such contents.

6. In that view of the matter, writ petition is **allowed** in terms of prayer clause 'A' . However with rider that exhibiting documents itself shall not be construed as proof of contents thereof, unless such presumption is available under the law. Rule is made absolute in above terms.

[S. G. CHAPALGAONKAR, J.]