



(1)

31wp3954.25

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

31 WRIT PETITION NO. 3954 OF 2025

BHIMA PARASRAM TUWAR DELETED AND OTHERS
.....Petitioners

VERSUS

VENUBAI EKNATH TUWAR
.....Respondents

Mr. C. K. Shinde, Advocate for the petitioners
Mr. Z. M. Pathan, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 05th MAY, 2025

P. C.

1. Heard.

2. This petition is against the order passed on application below Exh.197 by the learned Joint CJJD, Newasa dated 16-01-2025 rejecting the application of the petitioner-original defendant seeking De-Exhibiting the documents exhibited in the cross.

3. This court on the last occasion has specifically put a

query to show the provision to de-exhibit the document.

4. The learned advocate for the petitioner produced on record the copy of judgment reported in the case of Bama Kathari Patil Vs Rohidas Arjun Madhavi¹. This court in the said judgment had clarified in paragraph No. 4 as below:

“4. It is therefore open to the petitioner-defendant to contend at the stage of arguments that the agreement though exhibited, has not been proved by the plaintiff in accordance with law. With this clarification, no injustice or prejudice would be caused to the petitioner. Hence, with this clarification, petition is rejected.”

5. Considering above, this court disposes off this writ petition in the same manner as given in paragraph No. 4 referred above. It is open for the learned trial court to consider the above aspect while deciding the suit.

6. The writ petition stands disposed off.

[KISHORE C. SANT, J.]

VishalK/31wp3954.25

¹ 2004(2)Mh.L.J.