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27-WP-4755-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 4755 OF 2025

Janabai Mohanrao Jagtap

VERSUS

Anusaya Alias Sulekha Mohanrao Jagtap And Others

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Mr. Apparao Prakash Yenegure, Advocate for the Petitioner.

CORAM : KISHORE C. SANT, J.

DATE : 17th APRIL 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. The petitioner has challenged Exhibiting of document at Exh.99 in Regular Civil Suit No. 7 of 2019 pending before the Court of learned Civil Judge, Senior Division, Ahmedpur, Dist. Latur. It is the case of the petitioner that the said document Exh.99 is not relevant for the purpose of deciding the suit, as the Court has only exhibited document inspite of objection by the present petitioner, who happens to be original defendant No.5 in the suit.

3. The learned Advocate for the petitioner also invited attention to the order passed by this Court in Writ Petition No.3031 of 2023. The said petition was filed against an order allowing the plaintiff to produce the document i.e. partition deed on record. This Court had observed in paragraph No.6 of the order that the petitioner is at liberty to challenge the admissibility and relevancy of the document during trial. Further it is observed that, the petitioner is entitled to lead evidence to prove her contention about the document is bogus. The learned Advocate thus, submits that it was necessary for the trial Judge to consider the relevancy of the document before exhibiting the said document. The exhibiting of document will cause serious prejudice to the petitioner in the trial if that document is to be read in evidence. He thus, prays for allowing the writ petition.

4. From the order dated 12th February 2025 passed by the learned trial Judge, Ahmedpur, it is seen that the learned trial Judge has rightly taken care while exhibiting the document by keeping it open for the petitioner to argue on the relevancy and admissibility of the said

document. This Court does not find any illegality or impropriety in the order passed by the learned trial Judge calling for interference at the hands of this Court. There is not merit in this writ petition. Petition is therefore dismissed with no order as to costs.

5. Needless to say that, it is open for the petitioner to argue on relevancy and admissibility of the document at an appropriate stage.

[KISHORE C. SANT, J.]