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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1280 OF 2025

Pritam Ramesh Kadam and Ors. ...Petitioners
vs.
Laxmibai Ramchandra Kadam and Ors. ...Respondents
Mr. Kishor Patil i/b. Mr. Pratik Rahade for the Petitioners.

CORAM : N. J. JAMADAR, J.
DATE : 27 JANUARY, 2025

P.C:

1. Heard the learned counsel for the petitioners.
2. The petitioners are aggrieved by clause 7 of the order dated 8th January, 2025 passed by the Learned Civil Judge, Senior Division, Vita , which reads as under:

"7. Rest of documents at Exhibit 66/7, 66/8, 66/10, 66/11, 66/12, 66/13, 66/15, 66/16, 66/17, 66/18, 66/19, 66/21, 66/22 and Exhibit 4/7, 4/8 and Exhibit 112/1, 112/2, 112/3 and 112/6 be exhibited as Exhibit No. 136 to 154."

3. Mr. Patil, learned Counsel for the petitioners, submits that the above referred documents have not been duly proved in evidence. Respondent No.4 in whose evidence the documents were stated to have been proved, has already been cross examined. The petitioners had raised a specific objection that the above referred documents are not duly proved in evidence.

Without examining the aspect as to whether the documents have been duly proved, the Learned Civil Judge has marked the documents in evidence.

4. The Court is informed that the trial in the suit has reached an advanced stage.

5. Having regard to the stage of the suit and the well recognized position in law that mere exhibition of the documents is not the proof for the documents, this Court considers it expedient to dispose of the petition with a clarification that the aspect as to whether the documents have been duly proved in evidence, referred to in clause 7 of the impugned order (extracted above), though marked as exhibits, shall be considered by the trial Court at the stage of final adjudication of the suit.

6. The petition stands disposed.

(N. J. JAMADAR, J.)