

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8688 OF 2024

Smt. Kamrunnisa Dawood Mulla ... Petitioners
Since Deceased through their Legal
Heirs.

V/s.

Rabia Tajee Amiruddin Pathan ... Respondent

Mr. Mahesh V. Rawool, for the Petitioners.

Mr. Rahul D. Motkari with Manasi Pawar, for the Respondent.

CORAM : N.J. JAMADAR, J.

DATE : 3RD APRIL 2025.

PC:

1. Heard learned counsel for the Petitioners.
2. The challenge in this petition is to an order dated 16th October 2013, passed by the learned Civil Judge, on an application (Exhibit-33) preferred by the petitioner, to de-exhibit the document (Exhibit-20).
3. By the said order, the learned Civil Judge declined to accede to the prayer to de-exhibit the document observing, *inter alia*, that the document (Exhibit-20) is a certified copy of the sale deed and not a photostat copy, as claimed by the petitioner and, even otherwise, mere exhibition of document is no proof of the document.
4. As different versions were placed before this Court regarding the

document which was, in fact, tendered before the trial Court and marked in evidence, by an order dated 8th May 2024, this Court directed Registrar(Judicial-1) to call for the document which has been marked as Exhibit-20 by the trial Court in RCS No. 8 of 2017.

5. Pursuant to the aforesaid order, the document has been produced before this Court. The document which has been so produced, is the original sale deed.

6. Mr. Rawool, learned counsel for the petitioner, submitted that in the list of documents, the said document was referred to as the photostat copy. The said list of document dated 3rd July 2018 is also annexed to the document which is produced for the perusal of the Court. In the said list of documents, the sale deed is referred to as a photostat copy. However, what was tendered before, and marked by, the trial Court, was the original sale deed.

7. In this view of the matter, nothing survives in this petition.

8. This petition epitomises the manner in which the parties litigate before the Courts, resulting in the protraction of trials and avoidable delay in the disposal of the civil matters. When the trial Court recorded that document which was produced before the trial Court and marked in evidence was not a photostat copy, the matter should have rested, at that stage itself.

9. Even when the original document was produced before this Court and shown to Mr. Rawool, Mr. Rawool insisted that there is some manipulation in the record of the trial court. This stand of the petitioner further exacerbates the situation.

10. Hence the petition stands dismissed with costs of Rs. 25,000/-, to be deposited with Secretary DLSA, Raigad within a period three weeks from the date of uploading of this order.

11. Registrar (Judicial) to send back the original Sale Deed (Exhibit- 20) to the trial Court.

(N.J. JAMADAR, J)