



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3450 OF 2025**

Meenu Nathumal Hemlani	...	Petitioner
versus		
Raju Kansingh Moorjani	...	Respondent

Mr. Prashant Darandale, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 19 MARCH 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 20 December 2024 passed by the learned Civil Judge, Sr. Division, Pune.
3. The Petitioner-Plaintiff has filed an application to decide the admissibility of the document i.e. Memorandum of Understanding dated 1 April 2009 before the Plaintiff's witness is examined. By the impugned order, the learned Civil Judge was persuaded to reject the application observing that under the provisions of Order XVIII Rule 4(1) of the Code, 1908, there was no occasion for marking the document in evidence before the witness is examined.
4. The view taken by the learned Civil Judge is impeccable. In the full Bench decision of this Court in the case of Hemendra Rasiklal Ghia, etc. V/s. Subodh Mody, etc.¹, the law with regard to the marking of the documents has

¹ 2008 SCC Online Bom 1017

been settled.

5. The Writ Petition, thus, stands dismissed.

6. The learned Civil Judge shall proceed with the recording of evidence and marking of documents in accordance with the law laid down by this Court in Hemendra Rasiklal Ghia (supra).

(N.J.JAMADAR, J.)