



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4940 OF 2025**

Bharat Petroleum Corporation Ltd. ... Petitioner
versus
Shetkari Sahakari Sangh Ltd. ... Respondent

Mr. S.R.Page with Ms. Archana Joglekar, Ms. Ruchi Umrotkar, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 17 APRIL 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 11 February 2025 passed by the learned Civil Judge, Jr. Div., Kolhapur, whereby the application preferred by the Petitioner to de-exhibit the document (Exh. 55) which was marked by the Court Commissioner came to be rejected.
3. Learned Counsel for the Petitioner submitted that the Court Commissioner is not empowered to admit the document in evidence and, thus, the document (Exh. 55) ought to have been de-exhibited by the trial Court.
4. I have perused the impugned order. In paragraph 6 of the impugned order, the learned Civil Judge has correctly recorded that the Court Commissioner has to record objection to the admissibility and proof of the document, and, thereafter, the Court would rule on the admissibility and proof

of the document.

5. Following the said rule of practice, the trial Court has opined that the document at Exh.55 was duly proved in evidence of the witness.

6. Once the trial Court has given a ruling, be post marking of the document by the Court Commissioner, such determination is not susceptible to interference in exercise of supervisory jurisdiction.

7. It is trite, mere exhibition of a document is not a proof of document. Hence, all questions regarding the proof of the document (Exh.55) are kept open for consideration.

8. Writ Petition accordingly stands disposed.

(N.J.JAMADAR, J.)