



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6624 OF 2023

(Sarjuprasad s/o Sangamlal Gupta and another Vs. Samruddhi Savings and
Investments (India) Raipur, Chhattisgarh thr. its Director)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. H. R. Gadhia, Advocate for Petitioners.
None for Respondents.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 18th AUGUST, 2025.

1. Heard Advocate Mr. Gadhia, learned counsel for petitioner.
2. In response to the notice for final disposal by order dated 06.11.2023 the respondents are served by paper publication in accordance with order dated 18.06.2025 passed by the Registrar (Judicial). After service of the notice nobody appears on behalf of respondents.
3. Petitioners challenge is to order dated 12.09.2023 passed by the learned trial Court rejecting the application for exhibiting the measurement map which is marked as Article 'A'.
4. Learned counsel for petitioners submits that the measurement map was prepared by the District Superintendent of Land Records and the said document is placed on record in the civil suit which is filed by the

petitioners in the suit seeking declaration and permanent injunction. He submits that the trial Court has rejected the application by observing that in absence of the author of the map having been examined, the document cannot be exhibited and accordingly the plaintiffs application at Exh.18 came to be rejected.

5. Learned counsel for petitioners submits that the measurement map is prepared by Deputy Superintendent of Land Records, which is Government Officials and in view of the provisions of Section 77 of the Evidence Act, the document ought to be treated as public document. In support of his submissions, he relies on the provisions of Rule 13 of the Maharashtra Land Revenue (Boundaries and Boundary Marks) Rules, 1969. He also relies on the judgment of this Court in the matter of ***Writ Petition No.3558/2019 dated 14.11.2019***, which is decided by considering the position of law as laid down by the Hon'ble Supreme Court in the matter of ***Jaswant Singh v. Gurdev Singh and others*** reported in ***2012(3) Mh.L.J. 165***. On the basis of these judgments, it is submitted that the measurement map prepared by the Government Official can be allowed to be exhibited since the other side is always entitled to raise objection during cross examination. It has to be noted that the plaintiff has filed on record certified copy of the said map and the only request was for marking the document as exhibit for the purpose of evidence. The submissions of the petitioners are not controverted by anybody.

6. Having regard to the submissions advanced, it appears that the plaintiffs need to be given an opportunity to lead evidence on the basis of the said measurement map. Accordingly, the order dated 12.09.2023 passed by the learned trial Court on Exh.18 is set aside. The document of measurement map referred to in Exh.18 may be marked as exhibit. The defendants in the civil suit shall have right to rebut the contentions and to conduct cross-objection, if any, to dispute the contents of the said document.

7. In view of this, the writ petition is allowed. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)