



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

WRIT PETITION NO. 503 OF 2024

(Waman s/o Sadashiv Tarhekar (dead) through LRs. vs. Padma Nageshwar Tarhekar and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Sawan Alaspurkar, Advocate for petitioners.
Mr. A.S.Deshpande and Mr. G.R.Bhake, Advocates for respondents.

CORAM : SIDDHESHWAR S. THOMBRE, J.
OCTOBER 09, 2025

- 1) The petitioners/original defendants No.1 and 2 assailed the order dated 09/12/2022 passed by the Civil Judge, Junior Division, Nandgaon Khandeshwar, District Amravati below Exh.113 in R.C.S. No.29/2011.
- 2) The defendants filed application for issuance of suit summons to Omkar Kurjekar who is attesting witness on partition deed dated 23/05/1995. Learned Trial Court rejected the application only on the ground that the partition deed is unregistered document and it was held that it was inadmissible. Only on the ground that the learned Trial Court vide order below Exh.113 rejected the application and same appears to be not proper.
- 3) It is for the parties to prove such document after leading the evidence. Only because the defendant was permitted to summon the witness, does not mean that the same is proved and it is to be proved by the parties at the time of trial by leading evidence.

- 4) In view of that writ petition is allowed. The order dated 09/12/2022 passed by the Civil Judge, Junior Division, Nandgaon Khandeshwar, District Amravati below Exh.113 in R.C.S. No.29/2011 is hereby quashed and set aside.

(SIDDHESHWAR S. THOMBRE, J.)