



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

MISC. CIVIL APPLICATION NO. 770 OF 2025 IN
APPEAL AGAINST ORDER NO.46 OF 2022(D)

Subhadrabai w/o Bhauraoji Thakre

..vs..

Sharad s/o Gopal Bhoyar and ors.

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

Court's or Judge's orders

Shri O.A. Ghare, Advocate for the applicant.

CORAM: PRAVIN S. PATIL, J.
DATED : 17/10/2025.

By this application, it is pointed out that this Court in the judgment dated 07.10.2025 observed in paragraph 32 as under :

“32. In respect of the judgment in the case of Mahendra Deshbratar, the appellant is justified in stating that once insufficiently stamped document is tendered in evidence and marked as exhibit without any objection in the trial court so as to invite judicial determination to decide its admissibility, the court is prohibited from re-opening the matter after the document gets admitted in evidence. Therefore, this issue at the most which was directed to be framed is unwarranted in the matter.”

2. However, without considering this aspect, the appeal has been rejected in totality. Therefore, prima facie, there is error apparent on the face of record.

3. Issue notice to the respondents, returnable on 10.11.2025.

4. In case, the application for adjournment is moved before the trial court, the trial court to consider it

positively and post the matter after 10.11.2025.

5. The applicant is permitted to serve the copy to the Counsel appearing for the respondent before the Trial Court and file the affidavit of service on record, on or before the next date.

(PRAVIN S. PATIL, J.)

Trupti