



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 653 OF 2026

Bhausahab Murlidhar Shewale
Age 54 years, Occupation - Agriculture
R/o. Kapurwadi, Tal. Nagar,
District Ahilyanagar.

..Petitioner

Versus

1. Raju Devaram Shewale
Age 44 years, Occupation - Agriculture
R/o House No. 523, Vadgaon Gupta,
Taluka & District - Ahilyanagar
2. Santosh Devaram Shewale
Age 38 years, Occupation - Service (Job)
R/o House No. 523, Vadgaon Gupta,
Taluka & District – Ahilyanagar
3. Akshay Subhash More
Age 22 years, Occupation - Labour
R/o Nandgaon, Tal. Ahmednagar,
District Ahilyanagar
4. Kalyani Sagar Jadhav
Age 20 years, Occupation - Household work
R/o Budhagaon Nagar, Tal. Ahmednagar,
District Ahmednagar
5. Laxmibai Devaram Shewale
Age 72 years, Occupation - Household work
R/o Vadgaon Gupta, Tal. Ahmednagar,
Tal. & Dist. Ahilyanagar
6. Sunita Vijay Shewale
Age 42 years, Occupation - Household work
R/o Vadgaon Gupta, Tal. Ahmednagar,
Tal. & Dist. Ahilyanagar
7. Arjun Vijay Shewale
Age 26 years, Occupation - Household work
R/o Vadgaon Gupta, Tal. Ahmednagar,
Tal. & Dist. Ahilyanagar

8. Mangal Vilas Sumbe
Age 28 years, Occupation - Household work
R/o Madagao, Tal. Ahmednagar, Dist. Ahilyanagar.
 9. Dipali Arun Kasar
Age 24 years, Occupation - Household work
R/o Vadgaon Gupta, Tal. Ahmednagar,
Tal. & Dist. Ahilyanagar.
 10. Suman Jhumbhar Karale
Age 50 years, Occupation - Agriculture
Both R/o Kapurwadi, Tal. Ahmednagar,
District Ahilyanagar.
 11. Jayashree Sampat Karale
Age 55 years, Occupation - Household work
R/o Shendi, Tal. Ahmednagar, District Ahilyanagar.
 12. Lata Sukhdev Mute
Age 58 years, Occupation - Housewife
R/o Kapurwadi, Tal. Ahmednagar,
District Ahilyanagar.
 13. Maroti Kisan Lotke
Age 52 years, Occupation - Agriculture
R/o Budhagaon Nagar, Tal. Ahmednagar,
District Ahilyanagar.
 14. Bahrinath Kisan Lotke,
Age 50 years, Occupation - Labour,
R/o Budhagaon Nagar, Tal. Ahmednagar,
District Ahilyanagar.
 15. Mrs. Mukta Santosh Gavali
Age 49 years, Occupation - Housewife,
R/o. Wakodi, Tal. Ahmednagar,
District Ahilyanagar.
 16. Kanifnath Kisan Lotke,
Age 45 years, Occupation – Driver,
R/o. Vadgaon Gupta, Tal. Ahmednagar,
District Ahilyanagar.
- ..Respondents

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Mr. Yuvraj Vijayrao Kakde, Advocate for the Petitioner.

Mr. Rohan Kiran Bhagat, Advocate for Respondent Nos.1 to 9.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th JANUARY, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.
2. The present writ petition takes exception to order dated 10.10.2025 passed below Exhibit-41 by Civil Judge Senior Division, Ahilyanagar in Civil Miscellaneous Application No.402/2024, by which petitioner's application to Exhibit documents filed on record alongwith list at Exhibit-38 has been turned down.
3. The respondent nos.1 to 9 filed application under Section 2 of Bombay Regulation Act seeking heirship certificate. The petitioner filed various documents as per list at Exhibit-38. The production of document is allowed by Trial Court vide order passed below Exhibit-37. The petitioner then filed application to admit those documents in evidence and also given Exhibit numbers as those are public documents, so that documents can be read in evidence. The Trial Court refused to entertain said application observing that while passing order below Exhibit-37, petitioner was left to prove said documents by adducing his evidence.
4. Mr. Yuvraj Kakde, learned Advocate appearing for petitioner submits that all documents, which are enlisted in list at Exhibit-38 are certified copies of public documents and there is no impediment

for admitting those documents in evidence without formal proof thereof.

5. The learned Advocate appearing for respondents/plaintiffs vehemently opposes contentions. According to him, unless petitioner enters into witness box, there is no reason to admit those documents and give them Exhibit numbers as claimed.

6. Perusal of list at Exhibit-38 and documents appended thereto would suggest that document at serial nos.1 to 11 are 7/12 extract. The serial nos.12 to 17 are certified copies of proceeding or decree passed by Civil Court. Apparently, in light of Section 74 of Indian Evidence Act all such documents are given status of public record/public documents and does not require formal proof thereof. Section 76 of Act prescribes that if certified copies of public documents are duly sealed and signed by authorized officer, those can be exhibited as public documents. Section 77 prescribes that such certified copies may be produced in proof of contents of public documents or part of public documents. Section 78 stipulates procedure for proof of official documents. Section 79 stipulates presumption as to genuineness of certified copies.

7. In light of aforesaid provisions of Indian Evidence Act, there was no impediment for admitting documents filed alongwith list at Exhibit-38 in evidence without formal proof thereof. It is not

necessary for petitioner to enter into witness box and prove contents of certified copies of public documents.

8. In that view of matter, this Court finds that Trial Court committed error of jurisdiction while declining to entertain application filed by petitioner below Exhibit-41.

9. In result, Writ Petition is allowed in terms of prayer Clause (B).

10. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE