

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3243 OF 2026

M/s Vinayak Enterprises

..Petitioner

Versus

M/s Roma Builders Pvt Ltd

...Respondent

Mr. Karan Bhosale, with Vidya Pol More, Nooralam Khan and
Khushnuma Malik, for the Petitioner.

Adv Hridyanshi Sharma, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATE : 7th APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 16th January 2026 passed by the learned Civil Judge in SCS No. 200376 of 2009, whereby the documents tendered in evidence on behalf of the Plaintiffs have been marked.
3. Mr. Bhosale, the learned Counsel for the Petitioner, submitted that the Petitioner had filed an application on 7th January 2026. On that day, the learned Civil Judge has directed the Plaintiff to file a response thereto and the suit came to be adjourned to 16th January 2026. However, on 16th January 2026, without considering the objection raised by the Petitioner-Defendant in the said Application (Exhibit 61) and the Written Statement, the documents tendered on behalf of the Plaintiff came to be admitted and marked in evidence.

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4. The Court is informed that the witness of the Plaintiff is under cross-examination.

5. It is a settled principle of law that, mere marking of the documents as exhibit is not proof of documents. If the objection is to the mode of proof of documents, the objection is required to be determined at the threshold. A reference in this context can be made to the decision of the Full Bench of this Court in the case of **Hemendra Rasiklal Ghia Vs Subodh Mody**,¹ which enunciated the law in the matter of dealing with the objections as to the admissibility and proof of documents.

6. In this view of the matter, keeping open the option to the Petitioner to raise objections with regard to particular document(s) before the trial Court, the Petition stands disposed.

7. In the event such objection(s) is/are raised, the trial Court is requested to deal with those objections and pass appropriate order.

8. However, the fact that the objections have been raised shall not be a ground to defer the recording of evidence and cross-examination of the witnesses shall continue and those objections can be decided during the course of the cross-examination of the witnesses as well.

9. Petition disposed.

[N. J. JAMADAR, J.]

¹ 2008 (6) MhLJ 886.