



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

WRIT PETITION NO. 7002 OF 2024
SANTOSH DINKARRAO DESHMUKH AND OTHERS
VERSUS

MAHAVIRPRASAD @ DINESH S/o SHRINIWAS AGRAWAL AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Ms. Sonali Saware-Gadhawe, Advocate for the petitioners.
Mr. Nitin R. Rode, A.G.P. for respondent nos.2 and 3
Mr. Dheeraj I. Jain, Advocate for respondent no.4

CORAM : M. W. CHANDWANI, J.
DATE : JANUARY 20, 2026.

1. Heard Ms. Sonali Saware-Gadhawe, learned counsel appearing for the petitioners, Mr. Nitin R. Rode, learned A.G.P. appearing for respondent nos.2 and 3 and Mr. Dheeraj Jain, learned counsel appearing for respondent no.4.

2. By this petition, the petitioners challenge the order dated 10.10.2024 passed by the learned Civil Judge, Senior Division, Khamgaon below Exh.1 in Regular Civil Suit No. 32/2007 whereby, the objection filed by the petitioner against the acceptance of pursis filed by the respondent in order to withdraw admission of the document which was admitted via notice to admit documents was rejected.

3. The contention is that once the documents are admitted and exhibited, the admission cannot be

withdrawn and the documents as well as its contents can be said to be proved.

4. According to learned counsel appearing for the petitioners, the order passed by the trial Court below Exh.1 overruling the objection of the petitioner and taking cognizance of the pursis is bad in law. On the other hand, learned counsel appearing for respondent no.4 opposed the contention and submitted that the impugned order passed by the trial Court is just and correct.

5. Pursuant to the notice to admit documents issued by the trial Court, respondent no.4 had admitted the documents mentioned therein. Thereafter, respondent no.4 filed a pursis (Exh.282) contending that the document of '*Harras Patti*' (Exh.247) mentioned at Sr.No.1 of the said notice was admitted by mistake and withdrew the admission. The pursis (Exh.282) was read and it was recorded by the trial Court by observing that merely by admission of a document, its contents cannot be said to be proved.

6. Even otherwise, apart from considering the fact whether the contents of the document are proved or not, the facts on record or the conduct of the parties admitting and withdrawing the admission in the trial can be considered by the trial Court at the time of hearing the suit finally.

7. In my view, the petition has no merit because by way of the impugned order, only the cognizance of pursis has been taken by the trial Court without observing that the withdrawal of admission is justified. The writ petition has no merit and accordingly, it is dismissed.

(M.W.Chandwani, J.)

Diwale