



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

WRIT PETITION NO.7400 OF 2025

Bapurao Ramaji Yede (Died) through his LRs

Vs.

The State of Maharashtra and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.K. Thengri, Advocate for the Petitioners.

Mr. H.R. Dhumale, AGP for the Respondent Nos.1 and 2/State.

Mr. B.M. Kharkate, Advocate for Respondent No.3.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 14th JANUARY, 2026

1. Heard learned counsel for the petitioners.
2. By this petition, the petitioners' have challenged the order dated 29.10.2025 passed by the Appellate Court thereby, rejecting an application to de-exhibit and remove exhibit marks on the measurement maps, which was placed on record.
3. Learned counsel for the petitioner submits that the measurement maps at Exh.21 and Exh.25 were exhibited without affording any opportunity to the petitioners/ original defendants to raise objections about exhibiting the said documents. He submits that the said documents were exhibited without examining the concerned Court Commissioner as witness. He further submits that the Appellate Court has rejected the application by wrongly observing that the petitioners' have not raised objection at the relevant time.
4. As against this, Adv. Kharkate, learned counsel for the respondent No.3 and Learned AGP for the respondent

Nos.1 and 2/State strongly opposed the petition. They submit that the impugned order is passed after considering the fact that documents at Exh.21 and Exh.25 were already exhibited during the first round of litigation and after considering these exhibited documents, the ***Second Appeal No.210/2015 (Bapurao S/o. Ramaji Yede Vs. Surendrakumar S/o. Gopalrao Dhawad and Ors.)*** was decided, by which the matter was remanded to the First Appellate Court. It is further submitted that the petitioners/original defendants have not raised objection at the relevant time.

5. Perusal of the impugned order shows that the Court has given due consideration to the fact that the documents at Exh.21 and Exh.25 were already marked as exhibits by the First Appellate Court and the Second Appellate Court had also given due consideration to these documents.

6. A perusal of the judgment dated 26.09.2018 passed by this Court in Second Appeal No.210/2015 shows that the matter was remanded to the First Appellate Court to decide the appeal afresh after taking into consideration the entire material on record including the report of Taluka Inspector of Land Records and the maps at Exh.21 and Exh.25.

7. In this background, the matter was remanded and the First Appeal is now being contested by both the parties. Therefore, at this stage, the application for de-exhibiting the documents would amount to nullifying the effect of the already exhibited documents at Exh.21 and Exh.25.

8. It has to be noted that the petitioners/original defendants had the opportunity to raise objections about exhibiting the document at the relevant time when the documents were exhibited. However, at this stage, after the matter is remanded, the application for de-exhibiting the documents deserves to be rejected.

9. Reliance is placed by the learned counsel for the petitioner on judgment in the matter of *Peacock Industries Ltd., Udaipur and Others Vs. Budhrani Finance Ltd., Bombay and Another* reported in *2006 (5) Mh.L.J. 162*, to highlight the legal position about exhibiting of the documents. The said judgment deals with the controversy arising out of proceedings under Negotiable Instruments Act. The position of law is not disputed. However, in this case the objection about exhibiting of the two documents was not raised at the relevant time and therefore, the said judgment is of no assistance to the petitioner.

10. Perusal of the impugned order shows that the Appellate Court has given due consideration to the relevant factual and legal aspects. No perversity is seen with the impugned order. Hence, no indulgence is warranted with the impugned order. Accordingly, the writ petition is **dismissed** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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