



(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6003 OF 2026

Ajit Kaur Pritam Singh Chabda

VERSUS

Ranjit Kaur Prithpal Singh Gurudatta And Others

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Advocate for the Petitioner : Mr. Natu Sharad V.

Advocate for Respondent No.1 : Mr. S.S. Bharuka

Advocate for Respondent No.7A : Mr. C.V. Thombre

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 17, 2026

PER COURT :-

1. Present petition takes exception to order dated 09.06.2026 passed by Civil Judge Senior Division, Aurangabad in Special Civil Suit No.207/2002, whereby witness of petitioner is directed to produce original document of power of attorney dated 16.07.2008.

2. Heard learned advocates appearing for respective parties.

3. Perusal of record shows that vide order dated 07.05.2026, petitioner is permitted to lead secondary evidence in respect of power of attorney dated 16.07.2008 executed by Jogindersingh, who was one of attesting witness to the "will" which is subject matter of dispute. During course of evidence, a xerox copy of power of attorney dated 16.07.2008 is placed on record which appears to be certified as true copy by advocate notary. The purpose of production of power of attorney dated 16.07.2008 is limited to



show that witness has knowledge about signature of attesting witness of will i.e. Jogindersingh.

4. In that view of matter, once secondary evidence is permitted by order dated 07.05.2026 in respect of power of attorney, there was no necessity to delve into controversy as to genuineness of said document. All such questions are required to be dealt with at the time of final hearing/disposal of suit.

5. In that view of matter, directions given by Court vide impugned order to produce original document of power of attorney before Court cannot be countenanced. The Trial Court has to take decision on the basis of document tendered in evidence by parties. The genuineness, acceptability etc., are to be decided while appreciating evidence at the time of delivering judgment.

6. In that view of matter, impugned order is quashed and set aside. Writ Petition is allowed in terms of prayer clause (B), keeping all points open to be considered at the time of final hearing/disposal of suit.

(S.G. CHAPALGAONKAR, J.)