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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.522 OF 2014

1. Ramesh Shankar Jadhav PETITIONERS
Age – 52 years, Occ – Labour,
R/o Shirwane, Taluka – Nerur
New Mumbai

2. Indubai Madhav Mahajan,
Age – 57 years, Occ – Household
R/o Savta nagar, Dharangaon Road,
Kopargaon, Taluka – Kopargaon
District – Ahmednagar

VERSUS

1. Sau. Ranjana Rakesh Bhalla RESPONDENTS
Age – 42 years, Occ – Household

2. Dr. Rakesh Pyarelal Bhalla,
Age – 47 years, Occ – Doctor

Both R/o Savta Nagar, Dharangaon Road,
Kopargaon, Taluka – Kopargaon,
District – Ahmednagar

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Mr. P. B. Shirsath, Advocate for the petitioners
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[CORAM : SUNIL P. DESHMUKH, J.]
DATE : 6th JULY, 2015

ORAL ORDER :

1. Despite service twice, the respondents have not put in their appearance in the present writ petition.

2. Subject matter of the writ petition is an order dated 18th

December, 2013 passed by learned Civil Judge, Senior Division at Kopargaon, rejecting request of the present petitioner under Exhibit-28 in Special Civil Suit No. 21 of 2013, for production of certain documents, referred to under list thereunder.

3. Learned advocate for the petitioners points out that the defendants had no serious objection to the production, save and except that no proper explanation is being offered and that the suit is old and further the say depicts that inconvenience, if any, to the defendants can be mended by awarding costs.

4. Learned advocate for the petitioners has taken me through various documents annexed to the writ petition and submits that the order has been passed on technical considerations rather than looking at the substance of the matter. Learned advocate further submits that the procedural requirement of giving reasons for belated approach will have to be viewed leniently in the present matter, for the petitioners are illiterate persons and surviving on daily wages. He further submits that the application had been moved under exigency and as such, the strictness with which the trial court has looked into was not really necessary. He refers to that various documents are necessary to be looked into in the suit of the nature, filed by present petitioners. He further

submits that there is no particular and / or serious objection from the other side, which can be gauged from the conduct of the respondents, since they have not appeared before this court.

5. Looking at that aforesaid submissions go uncontroverted and the perusal of the impugned order shows that it has been passed on technical considerations and the suit has not travelled beyond submissions of examination in chief on affidavit by the plaintiff, I deem it that it would be expedient and in the interest of justice to allow the writ petition, subject, however, to payment of costs.

6. Accordingly, writ petition stands allowed in terms of prayer clause "B" subject to payment of costs of Rs.1000/- to be paid to the defendants. The amount of costs be deposited within a period of four weeks from the date of receipt of writ of this order in the trial court. The amount deposited be paid to the defendants in equal proportions. Writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]