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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4616 OF 2015

Mirabai Dilip Bhadane-Patil & Others

PETITIONERS

VERSUS

Suresh Ramrao Patil & others

RESPONDENTS

.....
Mr. Pravin S. Patil, Advocate for the petitioners
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 3rd SEPTEMBER, 2015

ORAL ORDER :

1. The petitioners are before this court against order dated 5th March, 2015 on Exhibit-58 in Regular Civil Suit No.42 of 2010 of Joint Civil Judge, Junior Division, Shindkheda, refusing their request for letting them production of certain documents.

2. Learned advocate for the petitioners submits that all the documents, which are sought to be produced pursuant to Exhibit-58 are public documents. He further contends that the observations of the trial court about non production of documents have been being in oblivion of the position that certain documents were filed along with written statement. He further submits that the documents now being sought to be

placed on record are seven twelve extracts, mutation entries and judgment of revenue officer and these are public documents. He submits that even otherwise, a stickler's approach in following the procedure is not necessary in the present matter.

3. The object of procedure as has been observed by this court at its Panji seat in a decision reported in 2006 (5) Bom. C. R. 602 "*Chitrakala Fal Dessai V. Balu Marathe @ Mane*" underlying Order XIII and the rules thereunder of the Civil Procedure Code appears to be to prevent parties from manufacturing documents and that this would not be possible and apply to public documents and under the circumstances, production of these documents may be accepted liberally.

4. In the present matter, though the respondents have been served, they have not put in their appearance, which to a considerable extent indicates that they have no serious objection to production of the documents.

5. Learned advocate for the petitioners points out the 'say' to Exhibit-58, perusal of which indicates that the respondents - plaintiffs are not averse to production of said documents, however, claim costs for the same from the petitioners - defendants.

6. Having regard to the same, application Exhibit-58 stands allowed, as prayed for, subject, however, to payment of costs of Rs.2000/- as claimed by the plaintiffs - respondents in their 'say'. Costs be deposited in the trial court within a period of three weeks from the date of receipt of writ of this order. The plaintiffs - respondents would be entitled to withdraw the amount of costs from the trial court.

7. Writ petition accordingly stands disposed of.

[SUNIL P. DESHMUKH, J.]

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