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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8511 OF 2014

Sau. Vidya Sanjay Patil & another

PETITIONERS

VERSUS

The Chief Officer,
Nagar Parishad Kopergaon,
District Ahmednagar & others

RESPONDENTS

Mr.Kiran M. Nagarkar, Advocate for petitioners
Mr.N.R.Bhavar, Advocate for Respondent No.1.
Mr.S.S.Kulkarni, Advocate for Respondent No.3.
Mr.B.A.Shinde, A.G.P. for Respondent No.4.

CORAM : N.W. SAMBRE, J.

DATE : 24th November, 2015

ORAL ORDER :

1. In Regular Civil Suit No.86 of 2006, after the petitioners-plaintiffs closed their evidence, an application Exhibit-263 came to be filed by them styling the same to be under the provisions of Order XI, Rules 14/15 of the Code of Civil Procedure, seeking directions to produce certain documents.
2. The said application came to be rejected by the Joint Civil Judge, Senior Division, Kopergaon on 23rd July, 2014.

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3 Learned Counsel, appearing on behalf of petitioners-plaintiffs, would urge that the documents sought to be produced on record vide Exhibit-263 are necessary for deciding the dispute involved in the suit, in view of the fact that the original defendants no.1 and 2 i.e. Municipal Council have failed to adduce any evidence and the said documents are from the record of a statutory body. According to the learned Counsel, the application, as such, ought to have been granted.

4. The application was opposed by the Respondents on the ground that the object of moving application Exhibit-263 is nothing but to protract the litigation and in past, such repeated attempts of the petitioners have failed, and as such, prayed for dismissal of the petition.

5. It is required to be noted that the claim, as is put forth in application Exhibit-263, the source for such a prayer could be ascertained from the provisions of Order XI, Rules 14/15 of the Code of Civil Procedure. However, the said powers are required to be exercised diligently by the petitioners-plaintiffs before commencement of recording of evidence in the matter. If the prayer of the petitioners in application Exhibit-263 is considered and granted, then the same might give rise to conducting a *de novo* trial in the matter, particularly, having regard to the background of nature of documents of which petitioners have sought production before the Trial Court.

6. In that view of the matter, in my opinion, no illegality could be

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noticed in the impugned order, so as to exercise extraordinary jurisdiction by this Court. Writ Petition, therefore, fails and stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

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