

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

WRIT PETITION NO. 9627 OF 2014

Rajendra S/o Dnyaneshwar Patil,
Age: 54 years, Occu: Agriculture and Service,
R/o : 11, Anand Complex,
3, Alkapuri Society, Paud Road,
Kothrud, Pune-29.

...Petitioner

versus

- 1) Alka W/o Balu Nehete,
Age: 56 years, Occu: Service,
- 2) Dr. Balu @ Balkrishna S/o sonu Nehete,
Age: 60 years, Occu: Doctor,

Both R/o : 180, Gandhi Nagar,
Near R.R. School, Jilha Peth,
Jalgaon – 425001.

...Respondents

.....
Mr. Mehul V. Navandar, Advocate for petitioner.
Mr. P. S. Shendurnikar, Advocate for respondent No. 1.
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CORAM : N.W. SAMBRE, J.

DATE : 6TH APRIL, 2015

ORAL ORDER :

The application of the petitioner-plaintiff for production of the documents in Regular Civil Suit No. 93 of 2012, which is for possession, is rejected by an order dated 19/08/2014 by 6th Joint Civil Judge, Junior Division, Jalgaon. As such, present petition.

2. Mr. Navandar, learned Counsel for the petitioner would urge that even though the suit has reached at an advanced stage, he has every right to produce the evidence, particularly in the form of documents so as to substantiate his claim, as according to him, denial of such right, would result in denial of an opportunity of hearing. In addition to above, he urged that the documents can be referred to at the time of final hearing of the suit and respondents-defendants would not be taken by surprise, as the documents were part and parcel of other litigation, which are pending or decided *inter se* between the parties.

3. Mr. Shendurnikar, learned Counsel for respondents-defendants would urge that the suit has reached at the stage of final hearing and evidence is recorded in the matter. He would further urge that, it is not in dispute that the Court is powerless to accept such documents, however, according to him, the rider provided under the Code of Civil Procedure is required to be satisfied by the petitioner i.e. sufficient cause to the satisfaction of the Court below. According to him, learned trial Court has given sufficient reasons and prayed for dismissal of the petition.

4. Having perused the contents of the application Exhibit-137, wherein the prayer for production of documents was

made by the petitioner and observations made by learned trial Court while rejecting the said application, it is noted that the suit has reached almost at a conclusion stage i.e. at the stage of final hearing. In Exhibit-137 the application for production of documents, no specific reason is provided by the petitioner while moving such application and when such documents were available in the other suit. It will also required to be noted that, even if the documents which are sought to be produced where part of record before other Court, it was open for the petitioner to make request for transfer of such papers, which are sought to be produced to the Court, who has passed the impugned order as is provided under Code of Civil Procedure.

5. Having regard to the reasons narrated in the order impugned and what has been observed herein above, in my opinion, no case for interference is made out. The writ petition fails, stands rejected.

[N.W. SAMBRE, J.]