

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2448 OF 2014

Madhukar Ramchandra Malkar through POA
Nikhil Madhukar Malkar ... Petitioner
Vs.
Lalita Manohar Malkar and others ... Respondents

Mr. Amit B. Borkar for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 05, 2015

P.C. :

Heard Mr. Borkar, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, original defendant No.2 has challenged the order dated 06.12.2013 passed by the learned 3rd Joint Civil Judge, Junior Division, Kolhapur below exhibits-74, 75 and 76 in Regular Civil Suit No.786 of 2007. Mr. Borkar states that he is not pressing challenge to the order passed below exhibits 75 and 76 and restricts challenge raised in the present Petition only in respect of order passed below exhibit-74.

3. Mr. Borkar submitted that application exhibit-74 was filed by defendant No.2 on 12.11.2013 praying for production of Court Commissioner's report (along with map and photographs) at exhibit 110 in Final Decree Application No.3 of 1999 and issuance of summons, for that purpose. By the impugned order, the learned trial Judge permitted petitioner to produce certified copy of the report. Mr. Borkar submits that petitioner will produce the certified copy of the report along with the map. However, liberty may be reserved to the petitioner to obtain coloured photocopy of the photographs which are attached to the report,

at his expenses.

4. As the learned trial Judge has permitted production of certified copy of the Commissioner's report, having regard to the request made by Mr. Borkar, I do not think it appropriate to issue notice to the respondents.

5. In view thereof, petitioner is permitted to produce the certified copy of the Commissioner's report along with the map. However, the learned trial Judge will permit the petitioner to obtain coloured photocopies of the photographs, which are attached to the Commissioner's report at exhibit-110 in Final Decree Application No.3 of 1999, at his expenses.

6. Subject to this, no further orders are necessary. Petition is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab