

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1034 OF 2010

M/s. Ramnarayan Jethmal Bhattad .. Petitioner
VS.
Godavari Jaikisan Bang (Deceased)
through legal heir
Shamsundar J. Bang & Anr. .. Respondents

Mr. A. S. Kulkarni for Petitioner.
Mr. Ajit Kenjale for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 30 MARCH 2015

P.C. :-

1] This petition is directed against the order dated 4 January 2010 made by the Civil Judge, Senior Division, Solapur, permitting production of the original partition deed dated 23 October 1987 and supplementary partition deed dated 4 September 1991.

2] The impugned order records that the judgment debtor no. 3 has not denied the existence of the aforesaid documents. However, the learned counsel for the petitioner submits that such documents were neither produced nor proved in the course of proceedings in the suit where-from the execution arises.

3] In this view of the matter, it is only clarified that whilst the production of the aforesaid documents is permitted, the same shall

not mean and imply proof of the said documents. Accordingly, it shall be open for the parties to proceed on the said basis and make their respective submissions in the course of the execution proceedings.

4] Since the execution proceedings relate back to the year 1997, the Civil Judge, Senior Division, Solapur is directed to dispose of the execution proceedings as expeditiously as possible and in any case within a period of six months from today.

5] Except for the aforesaid observation, there is no reason to interfere with the impugned order. Accordingly, this petition is disposed of in the aforesaid terms. There shall be no order as to costs.

6] Parties to appear before the Executing Court on 15 April 2015 and produce authenticated copy of this order.

7] All parties to act on basis of an authenticated copy of this order.

(M. S. SONAK, J.)