

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6202 OF 2014

Draupada @ Draupadi Jaydeo Pawar
(since deceased through legal
heirs) and anr. .. Petitioners

vs.

Indubai D/o. Kashinath Shivram Chavan
and anr. .. Respondents

Mr.C.M. Kothari for the Petitioners.

Mr. M.B. Deshmukh for Respondent Nos.1 and 2.

CORAM : M. S. SONAK, J.

DATE : 26 MARCH, 2015

P.C. :-

1] This petition challenges the order dated 12 February 2014, by which the learned District Judge, Sangli has not permitted the petitioners to produce on record two documents, viz., the Driving Licence and PAN Card of the deceased Jaydeo Pawar.

2] The impugned order states that such permission is being denied because there was no reason stated in the application as to why such documents were not produced before the Trial Court.

3] The learned counsel for the respondents has defended the impugned order by contending that the application seeking leave to produce such documents was made in a casual manner and the same did not comply with the parameters set out under Order 41 Rule 27 of the CPC.

4] Having heard the learned counsel for the parties and perused the impugned order and records, in my judgment, the impugned order is liable to be set aside. This is because, the documents which are sought to be produced on record are in the nature of public documents being Driving Licence and PAN Card of deceased Jaydeo Pawar, through whom, the parties claim in the proceedings. Although the learned counsel for the respondent is right that the application in-question does not state the reason as to why it was not within the reach or the means of the petitioners to produce such documents earlier, considering the nature of the documents and the purpose for which the same are being produced, leave ought to have been granted.

5] The contention of the learned counsel for the respondents that the production was aimed at protracting the litigation, can be redressed to a certain extent by award of costs as also directions for the expeditious disposal of the appeal.

6] Accordingly, the impugned order dated 12 February 2014 is set aside. The application of the petitioners for production of the said two documents is allowed, subject to the petitioners paying costs of Rs.5000/-. Further, the District Judge, Sangli is directed to dispose of the Civil Appeal No.182 of 2010 as expeditiously as possible and in any case within a period of four months from today.

7] Such costs may either be paid or deposited before the District Court, within a period of four weeks from today. In case the costs are

deposited before the District Court, the respondents would be at liberty to withdraw the same.

8] With the aforesaid observations, writ petition is disposed of.

9] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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