

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 8076 OF 2014.

Kala @ Jyoti Parsaram Sujan.

.. Petitioner

Vs.

Purushottam H. Patel & anr.

.. Respondents

Mr.Rahul Karnik, for the Applicant.

Mr.Bharat Joshi, for Respondents.

***CORAM: N.M.Jamdar, J.
Monday 6 April, 2015***

Oral Order :

By this petition, the Petitioner challenges the order dated 14 July 2014 passed by the learned Judge, Small Causes Court, Mumbai, allowing the application filed by the Respondent No.1 for production of certain documents.

2 Petitioner has filed a suit bearing No. L E & C 33/41 of 2009 in the Court of Small Causes Court, at Mumbai. During the cross-examination of the Respondent No.1 questions were put as regard rent receipts and agreements. Thereafter the Respondent No.1. filed an application for production of documents which include certain rent receipts for the period between 1964 and 1968 and an Agreement dated 1 April 1969. The production of these documents has been allowed by the impugned order.

3 Heard learned counsel for the Petitioner and the learned counsel for the Respondents. By the impugned order the learned Judge has allowed certain documents which according to the learned Judge were necessary for adjudication of the controversy between parties and would assist the Court in resolving the dispute. This is a discretionary order and there is no perversity in exercise of the discretion.

4 The learned counsel for the Petitioner submits that the documents produced have been admitted in evidence without giving an opportunity to the Petitioner. The learned counsel for the Respondents submitted that the documents were earlier marked and then sent to the Small Causes Court. It is however, clarified that it is open to the Petitioner to agitate the issue of admissibility of documents which are allowed to be produced on record by the impugned order, at the time of final arguments in the suit. In view of this clarification which adequately protects the Petitioner, no further orders are required to be passed and the petition is accordingly disposed of.

(N.M.Jamdar, J.)