

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

WRIT PETITION NO. 7749 OF 2016

Bajirao Rajaram Patil
Age: 65 years, Occu.: Agri.,
R/o Khirdi (B), Tq. Raver,
Dist. Jalgaon.

..PETITIONER

VERSUS

1. Shantabai Sudhakar Mahajan
Age: 52 years, Occu.: Agri.,
R/o Nimbol, Tq. Raver,
Dist. Jalgaon.
2. Lilabai Gambhir Mahajan
Age: 60 years, Occu.: Household,
R/o Patondi, Tq. Muktainagar,
Dist. Jalgaon.
3. Sadashiv Kashiram Patil
Age: 57 years, Occu.: Agri.,
R/o Kirdhi (B), Tq. Raver,
Dist. Jalgaon.
4. Gopal Bajirao Patil,
Age: 35 years, Occu.: Agri.,
R/o Khirdi (B), Tq. Raver,
Dist. Jalgaon.

..RESPONDENTS

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Mr. Milind Patil, Advocate for petitioner.
Mr. M.G. Patil, Advocate for Respondent No.4.

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**CORAM : T.V. NALAWADE, J.
DATED : 17th OCTOBER, 2016**

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard both the sides by consent for final disposal.

2. The petition is filed to challenge the order made on Exhibit 151 which is filed in Regular Civil Suit No. 28 of 2004 pending before the Civil Judge, Junior Division, Raver. The application was filed for permission to produce on record documents like extract of mutation and 712 extract in respect of suit lands. The Trial Court has rejected the application by observing that due diligence was not shown and the documents were produced at belated stage when the matter was ready for final argument.

3. The suit is filed for relief of partition and admittedly the mutations and 7/12 extracts are in respect of said agricultural lands. Ordinarily it is the plaintiff who is expected to produce on record the documents like 7/12 extract in respect of agricultural land as the relief of partition is claimed and decree needs to be given in respect of agricultural land on the basis of revenue record as the area is relevant and after that the revenue authority under Section 54 of the Code of Civil Procedure is expected to consider the relevant things.

4. In view of these circumstances, the Trial Court ought to have allowed the production of documents. However, it is made clear that the defendant cannot be allowed to give oral evidence after production of document which is revenue record. So the petition is allowed. Order made by the Trial Court is set aside. The application filed at Exhibit 151 for permission to produce the aforesaid records is allowed. Rule is made absolute in those terms.

(T.V. NALAWADE, J.)

SSD