

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

WRIT PETITION NO. 10651 OF 2016

Harishchandra Pralhad Badgujar and Others ..PETITIONERS

VERSUS

Sukdeo Ukhardu Nannaware and Others ..RESPONDENTS

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Mr. V.B. Patil, Advocate for petitioners.

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**CORAM : T.V. NALAWADE, J.
DATED : 23rd NOVEMBER, 2016**

ORDER :

1. The petition is filed to challenge the order made by Civil Judge, Junior Division, Jalgaon on Exhibit 64 in Regular Civil Suit No. 465 of 2014. Heard learned Counsel for petitioner.

2. The aforesaid order is made by the Court for allowing the Office of Land Records to take back the original record like Sanad which was produced in the Court in response to the witness summons. The Court has allowed the office to take back the original record as xerox copies of original record are taken for the use of the Court on the record of the case. There is also affidavit filed by witness from the Office of Land

Records which is to the effect that office has record of Sanad which is in accordance with the Sanad available with the defendant but the office is not having original record supporting the case of plaintiff that Sanad was issued to the plaintiff also.

3. The plaintiff apprehends that due to this affidavit filed by employee of the Office of Land Records, he may loose the case itself. At present there will be hearing of application filed for temporary injunction. Learned Counsel for petitioner – plaintiff submitted that Sanad which is with the plaintiff is issued to him by Nashik office and not by Jalgaon office, but Nashik office is not helping him and Nashik office has informed the Court that relevant record is with the Jalgaon office.

4. At present, the Court is expected to consider only prima facie case. There is liberty to the plaintiff to file counter affidavit if some affidavit is filed by office of land records. No further step is possible at this stage as recording of evidence and cross examination is not permissible for deciding the application filed for relief of temporary injunction. It will be open to the plaintiff to call any witness from the Office of Land Records which has issued Sanad in his favour but that stage will come only after framing of issues.

5. Thus, at present there is no necessity to interfere in the order made by the Trial Court. The record of Office of Land Records cannot be kept in the Court and the Trial Court has rightly allowed the office to take it back as copies of original record are already taken on record of the case and there should not be any apprehension to both sides as copies are obtained by the Court for its own use. So the petition stands dismissed. The genuineness of the Sanad is the point which is open for Trial Court.

(T.V. NALAWADE, J.)

SSD