

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

WRIT PETITION NO. 10505 OF 2014

Arjun s/o Karsan Patel  
Age: 58 years, Occu. Business,  
R/o. B-3, Dwarkasadan,  
Kailash Nagar, Aurangabad

... Petitioner  
(Orig. Defendant)

Versus

Shonit s/o Shikharchand Kala  
Age: 37 years, Occu. Business,  
R/o. B-5, Dwarkasadan,  
Kailash Nagar, Aurangabad

... Respondent  
(Orig. Plaintiff)

.....  
Mr. A. D. Kasliwal, Advocate for petitioner  
.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 1<sup>st</sup> APRIL, 2016

ORAL JUDGMENT

1. Despite being served twice, no appearance has been caused on behalf of the respondent.
2. Rule. Rule made returnable forthwith. Heard learned counsel for the petitioner finally.

3. The petition has been moved, purportedly aggrieved by order dated 12th August, 2014 on Exhibit-110 whereby request of petitioner - defendant to exhibit original documents under the lists Exhibit-49 and Exhibit-72, which have been referred to in the deposition of the defendant and have been duly proved as required under the Indian Evidence Act, has been rejected by 4<sup>th</sup> Joint Civil Judge, Junior Division, Aurangabad.

4. According to learned counsel, the documents, in fact, have been duly proved according to the provisions of the Indian Evidence Act. He points out that the observations as are appearing in the impugned order may not be compatible with the factual situation. As a matter of fact the position makes it clear that the documents have been tendered along with the affidavit in evidence.

5. In spite of service twice, respondent has not put in his appearance. Learned counsel submits that on first occasion, despite notice, no appearance was caused on behalf of the respondent and therefore, this court on second occasion, had issued notice referring to that the same is for final disposal.

6. In view of aforesaid, the contentions of the petitioner have gone uncontroverted. It appears to be depiction of that that there is tacit acceptance of the contentions in the writ petition by the respondent.

7. As such, writ petition is allowed in terms of prayer clause (B). Rule is made absolute.

( SUNIL P. DESHMUKH, J. )

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