

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

***WRIT PETITION NO. 3083 OF 2015***

Mrs. Shalini Ramkrishna Rane  
(since deceased, through Lrs.)  
Shri Ramkrishna Govind Rane & anr. ... Petitioners

v/s

Shri Shivajirao Jagannath Bhosale  
(since deceased, through Lrs.)  
Kamal Shivajirao Bhosale & ors. ... Respondents

Mr. A.V. Anturkar, senior advocate i/by S.B. Deshmukh for the petitioners.

Mr. Hushing P. K. for Resp. Nos. 1a to 1E.

***Coram: N.M. Jamdar, J.***

***Dated: 7 SEPTEMBER 2016***

***P.C.:***

Not on board. Taken on production board in view of the *praecipe* filed by the Petitioners.

2 The Petitioners challenge the orders dated 16 February 2015 passed below Exh. Nos. 154 and 166, and Exh. Nos. 164 and 166, passed by the Small Causes Court Judge, Pune.

3     As regard the order dated 16 February 2015 seeking direction to the Respondents to produce the original document is concerned, the learned Judge correctly observed that the suit is filed by the Petitioners and the Petitioners must prove their case for specific performance. The learned Judge has also observed that no explanation is given as to how the document is currently in the custody of the Respondents. In the circumstances, considering the fact that the suit is pending since the year 1996, the learned Judge was right in rejecting the application by the impugned order dated 16 February 2015.

4     As regard the rejection of the application for issuance of witness summons to the police officer is concerned, in the dispute between the parties for specific performance of an agreement the learned Judge is right in holding that, in such a dispute the presence of the police officer and the officer of the Municipal Corporation is not necessary. These orders being purely interlocutory, no interference is warranted.

5     The writ petition is rejected.

*(N. M. Jamdar, J.)*