

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8340/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. N. Gite for the petitioner
Mr. Amey Deshpande for the respondent No.1.

CORAM : K. K. TATED, J.
DATE : AUGUST 4, 2016

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the petitioner, the matter is taken on board for urgent orders.

2. By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 23.06.2015 passed by the 6th Jt. Civil Judge, Senior Division Nasik below Exhibit- 33 in Special Civil Suit No. 494/2012 rejecting the defendant's application under Order XII Rule 8 of the Code of Civil Procedure, 1908 directing the plaintiff to produce general Power of Attorney executed by the defendant in favour of Shantaram Umaji Shinde as pleaded by the plaintiff in paragraph 6 of the plaint. The Trial Court rejected the application made by the defendant

on the ground that the plaintiff was not party to that document. The plaintiff made a statement in paragraph 6 of the plaint that they learnt that the defendant executed Power of Attorney in favour of Shantaram Umaji Shinde. On this ground the Trial Court rejected the defendant's application.

3. Considering the submissions made by the learned counsel for the petitioner and the impugned order, I do not find any reason to entertain the Writ Petition because when the plaintiff was not a party to that document, there is no question of directing him to produce the same. Hence, there is no substance in the Writ Petition. Same stands rejected.

JUDGE