

Sequeira

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

WRIT PETITION NO. 9783 OF 2016

Rajivee Vasu Shetty
Through her constituted attorney
Sunder Koraga Shetty .. Petitioner
Vs.
Zakir Hussain & ors. .. Respondents

Mr.N.R.Bubna, for the Petitioner.
None for Respondents.

***CORAM : N.M.Jamdar, J.
Thursday, 22 September 2016.***

P.C. :

The prayer of the Petitioner for calling certain documents in Miscellaneous Application No.269 of 1982 has been declined by the impugned order dated 29 February 2016, by the learned Civil Judge Junior Division Kalyan, holding that the Petitioner can get copies by herself. The learned Civil Judge has also observed that in view of disposal of the Special Civil Suit No.05 of 1976, the documents in Miscellaneous Application No.269 of 1982 may not have much relevance.

2. The learned counsel for the Petitioner submitted that the documents in M.A No.269 of 1982 are relevant and reply has been

given that these documents are not necessary.

3. It is to be noted that the proceedings have commenced in the year 1976. The anxiety of the learned Civil Judge to proceed with the dispute which is pending for a long time can be well understood. Without such satisfaction, the learned Civil Judge was right in not granting further adjournments looking at the fact that the proceedings are pending since 1976. As far as the request of the learned counsel for the Petitioner to club M.A No.269 of 1982 with the present proceedings, the Petitioner can always approach the learned Principal District Judge with such a prayer. It is clarified that it will be open to the Petitioner during the course of the argument in the present proceedings to point out the relevancy of the M.A No.269 of 1982, in the present proceedings. If the learned Civil Judge finds that the documents in the connected proceedings are indeed necessary for the disposal of the proceedings before it, the learned Civil Judge can always call for such documents.

4 The Writ Petition is disposed of accordingly.

(N.M.Jamdar, J.)