

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.988 OF 2014

Mrs. Nisha S. Bhandari	..	Petitioner
VS.		
M/s Delta Labs through Shri Dilip Ratanlal Oswal	..	Respondent

Mr. Amol Deshpande for Petitioner.
None for the Respondent.

CORAM : M. S. SONAK, J.
DATE: 19th OCTOBER 2016

P.C :

1. The challenge in this petition is to the order dated 14.03.2013 made by 4th Joint Civil Judge (Sr.Dn.), Pune, dismissing the petitioner's application at Exh.43. By the said application, the petitioner desired the Civil Court to compel the original plaintiff in Special Summary Suit No.80/2005 to produce registration certificate evidencing that the original plaintiff was indeed a registered firm.
2. In this case, there is no dispute that the Special Summary Suit No.80/2005 instituted by the respondent herein (original plaintiff) was decreed exparte. The petitioner, who was the defendant in the said suit, has applied for setting aside of the exparte decree. In this circumstances, it is too premature for the petitioner, to compel the original plaintiff to produce on record the registration certificate. The petitioner, is required to make out the

case warranting the setting aside of the exparte decree. If and when the decree is set aside, the petitioner can always renew his request that the original plaintiff be directed to produce the certificate of registration of firm. This precisely what the Civil Judge has stated in the impugned order.

3. Accordingly, there is no case made to interfere with the impugned order. The impugned order is not vitiated by any jurisdictional error or material irregularity.

4. This petition is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)