

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

WRIT PETITION No.2174 OF 2015

Shri Sunils/oSohanlalji Ajmera.

..vs..

Shri Subhash s/o Sohanlalji Ajmera and another.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Mr. J.M.Gandhi, advocate for petitioner.

CORAM : A.S. CHANDURKAR, J.

DATED : 01st JULY, 2016.

The respondents though served are not present to contest the present proceedings.

The petitioner who is the original plaintiff is aggrieved by the order of the trial court below Exhibit 24 as well as the subsequent order passed on the review application whereby the prayer for directing the respondents to produce two documents on record has been rejected. Perusal of the impugned order indicates that the trial court was of the view that the application below Exhibit 24 and the prayer made therein was not supported by affidavit. The reply to the aforesaid application was supported by affidavit. On that count the trial court proceeded to reject the application. I do not find any error in the approach of the trial court when it refused to consider the application which was not supported by

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affidavit.

With liberty to the petitioner to file a fresh application supported by affidavit, it would be open for the petitioner to seek production of the documents in question. If such application is made, the same shall be considered on its own merits and without being influenced by the rejection of the earlier application.

Petition is disposed in above terms with no order as to costs.

JUDGE

Hirekhan

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