

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

WRIT PETITION NO.5532/2014

Prashant s/o Madhukar Patil and others

..VS..

Anandrao @ Amrut s/o Krushnarao Tirmanwar and others

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 23.6.2016.

Heard Shri R.R. Shrivastava, Advocate for the petitioners and Shri M.P. Kariya, Advocate for the respondent Nos.1, 2 and 4.

The petitioners - original plaintiffs have challenged the order passed by the trial Court allowing the application filed by the defendants seeking leave to produce the copy of sale deed registered on 30th March, 1988, on the record. The submission on behalf of the plaintiffs is that the document is sought to be produced on the record after the recording of evidence of plaintiffs is over, and the defendants have not given any reason for not filing the document earlier. It is submitted that the trial Court has also not considered the provisions of Order 8 Rule 1 and Order 13 Rule 1 of the Code of Civil Procedure which enables the Court to grant leave for production of documents only in rare cases. The learned Advocate for the petitioners has relied on the judgment given in the case of *Kamlesh Singh Harnamsingh Chowhan V/s. Jayalaxmi Kantilal* reported in **2009(1) Mh.L.J. 959** and the judgment given in the case of *Vitorino Rodrigues and others V/s. Nirmalabai Shivajirao Dessai (deceased) through L.RS. and others* reported in **2010(7) Mh.L.J. 813** to fortify his submissions.

The civil suit filed by the plaintiffs is in respect of sale deed dated 25th April, 1988. The defendants are seeking to produce the copy of registered sale deed dated 30th March, 1988 to substantiate their defence. The trial Court has recorded that the copy of sale deed which is sought to be produced on the record was referred in cross-examination of witness of the plaintiffs.

Considering the facts on the record, I am not inclined to interfere with the order passed by the trial Court. The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.