

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.988 OF 2017

Pukhraj Mishrilal Surana

Petitioner

Versus

Shaikh Mansur Shaikh Faiyyaz

Respondent

Mr.Girish S. Rane, advocate for the petitioner

CORAM : S.B.SHUKRE, J.

DATE : 23rd January, 2017

PER COURT:

Heard.

The order dated 22.11.2016, impugned herein, observes that the suit has been instituted by the Respondent for specific performance of the contract and, therefore, it is for him to prove his case. If it is the contention of the respondent/original plaintiff that he is not in possession of the relevant document, obviously, it is for him to prove the contention that he is not in possession of the document. If the respondent fails to prove his contention, the learned trial Court can always draw necessary inference in law. I feel that no prejudice is being caused to the petitioner/original defendant by the impugned order.

Writ Petition is, therefore, dismissed with costs.

S.B.SHUKRE
JUDGE

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