

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

WRIT PETITION NO. 7696 OF 2014

M/s Sanchar Construction
Proprietor, Mahadaappa Hanumant
Andure, through his General Power
of Attorney Mr. Kishan s/o Kisanrao Naik
age 44 years, occ. Contractorship
R/o "Sahyadri Hills", Garkheda,
Aurangabad

...Petitioner

VERSUS

- 1) Maharashtra Industrial Development
Corporation, through Secretary,
Department of Industry,
Mantralaya, Mumbai-32,
- 2) The Chief Executive Officer,
Maharashtra Industrial Development
Corporation, "Udyog Sarthi",
Mahakali Cave Road,
Andheri (E), Mumbai-93,
- 3) The Superintending Engineer,
Maharashtra Industrial Development
Corporation, Circle, Station Road,
Aurangabad (M.S.),
- 4) The Executive Engineer,
Maharashtra Industrial Development
Corporation, Nanded,
Division Nanded,
- 5) The Dy. Engineer, M.I.D.C.,
Sub-Division, Nanded,
District Nanded

...Respondents

...

Mr.H.A.Joshi h/f Singh Sadhana J. And Singh J. N. , Advocates for petitioner

Mr. A.P.Basarkar, AGP for Respondents 1 to 3

Mr. S.S.Dande, Advocate fo resp.nos. 4 and 5

...

CORAM : N.W.SAMBRE, J.

DATED : 15th November, 2017

PER COURT : -

In Special Civil Suit No. 133 of 2008, plaintiff moved application (Exh.162) under Order XI Rule 14 of the Code of Civil Procedure for production of documents, at the stage when defendants' witness was under cross-examination.

2. The said application came to be dismissed by the Trial Court vide order dated 20.6.2014. As such this petition.

3. Learned counsel for the petitioner Shri H.A.Joshi, upon instructions, submits that if documents are directed to be produced as prayed, the petitioner undertakes that he shall not seek any liberty to lead evidence, based upon same. The said statement is accepted as an undertaking.

4. As the powers under Order XI Rule 14 of the Code of Civil Procedure can be exercised at any stage of the suit, it will be just and proper to allow application (Exh.162).

5. In view thereof, the application of the present petitioner rejected on June 20, 2014, Exh.'F' to the present petition moved in December, 2013 before the Court of Civil

Judge, Senior Division, Nanded stands allowed by quashing the order impugned.

6. Respondents/defendants are directed to produce the documents on oath as sought by petitioner in prayer clause 'B' of application (Exh.162).

7. With above observations, Writ Petition stands disposed of accordingly.

[N.W.SAMBRE, J.]

dbm