

**IN THE HIGH COURT OF JUDICATURE  
AT BOMBAY**

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.6766 OF 2013**

Mahemood S/o Abdul Gani  
Shaikh and another. .... Petitioners.

Versus

The Municipal Corporation,  
Latur, through its Municipal  
Commissioner, Latur, Tq.  
and Dist.Latur. ... Respondent.

...  
Mr.S.S.Thombre, advocate for the petitioners.  
Mr.A.V.Hon, advocate holding for Mr.V.D.Hon,  
Senior advocate for the Respondent.

...

**CORAM : S.V.GANGAPURWALA J.**

**Date : 28.08.2017.**

**PER COURT :**

1. The application seeking directions against Respondent to produce the original lease deed is rejected.

2. Mr.Thombre, learned counsel submits

that the Respondent had passed a Resolution pursuant to which the lease of the suit premises was given to the father of the petitioner. As the copy of the same is not available with the petitioner, the petitioner filed an application seeking directions to the Respondent to produce the original lease deed as the original is in their possession. The same would be writ large by the Resolution passed by the Municipal Corporation dated 7.4.1984. Even the father of the petitioner was called upon to execute the agreement under letter dated 15.6.1985. All this would show that Respondent had given the suit property on lease to the father of the petitioner and the documents were executed.

3. Mr.Hon, learned counsel supports the order.

4. Unless it is shown that the original is in possession of the Respondent, directions can not be given to the Respondent to produce the original. The existence of the documents so also the original being in possession of the

Respondent unless is proved, the directions could not have been given.

5. The petitioner has other avenues open of which he can take recourse to prove his case.

6. Considering above, the Writ Petition is disposed of. No costs.

**( S . V . GANGAPURWALA, J . )**

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