

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10346 OF 2014

VIJAYKUMAT BANSILAL SHARMA VERSUS
THE ORIENTAL INSURANCE CO. LTD., AND OTHERS

...
Advocate for Petitioner : Shri Thigale Girish K. (Naik)
Advocate for Respondents 1 & 2 : Shri Godsay Satish M.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 22, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 27.8.2014, passed by the trial Court, by which, application Exhibit 160 in Special Civil Suit No.31 of 2004 has been rejected.

2. I have considered the submissions of the learned Advocates for the respective sides. While issuing notice, I have observed in my order dated 3.12.2014 as under:-

“1. The petitioner is aggrieved by the impugned order dated 27.8.2014, passed below Exhibit 160 in Special Civil Suit No.31 of 2004, whereby request to direct the insurance company to produce the originals has been turned down.

2. The learned Advocate for the petitioner, for the present, submits that he would be satisfied even if copies of the documents below Exhibit 63 which are verified from the original documents and preserved by the Assistant Superintendent of the Court, are supplied to the petitioner.

3. *In the light of the above, issue notice before admission to the respondents returnable on 21.1.2015.*

4. *Till the next date of hearing, the Joint Civil Judge S.D. Parbhani, shall not proceed with the Special Civil Suit No.31 of 2004.”*

3. Considering the reason assigned by the trial Court, specifically noting that the copies of the original documents at list Exhibit 63 were duly verified by the competent officer of the Court and the originals were returned to the respondent / establishment for safe keeping, I do not find any reason to cause any interference in the said order. The grievance of the petitioner could be redressed by directing the learned counsel appearing on behalf of the respondent before the trial Court to supply a Photostat copy of the list Exhibit 63 and documents annexed thereto to the petitioner, for which the petitioner shall bear the costs.

4. With this direction, this petition is disposed off.

5. It is expected that the above exercise would be completed within a period of three weeks from today.

(RAVINDRA V. GHUGE, J.)

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