

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

WRIT PETITION NO. 3034 OF 2017

Manoj Mulchandji Bramhecha
Proprietor of Manoj Electronics and Electricals ..PETITIONER

VERSUS

Vinod Nandlal Gunwani ..RESPONDENT

....
Mr. Punit Mehta, Advocate for petitioner.
....

**CORAM : M.S. SANKLECHA, J.
DATED : 17th APRIL, 2017**

ORDER :

1. This petition under Article 227 of the Constitution of India challenges the orders dated 11th April, 2016 and 07th October, 2016 passed by the Civil Judge, Senior Division, Aurangabad. The impugned order dated 11th April, 2016 rejected the petitioner's application under Order 16 Rule 6 of the Code of Civil Procedure (CPC) to issue summons to the BMC Bank to produce the entire record of Account No. 7179 (current account) of the respondent herein maintained by it. The impugned order dated 07th October, 2016 rejected the application to review the earlier order dated 11th April, 2016.

2. So far as the impugned order dated 11th April, 2016 is concerned, it was rejected on the ground that calling for the production of entire record of Bank Account No. 7179 of the respondent cannot be entertained unless the documents are specified. Therefore the order dated 11th April, 2016 rejected the application with liberty to the petitioner (original plaintiffs) to make an appropriate application specifying the document sought to be produced.

3. However, the petitioners instead of filing an application specifying documents, filed an application dated 10th June, 2016 to review the impugned order dated 11th April, 2016. The Joint Civil Judge, Senior Division, Aurangabad by impugned order dated 07th October, 2016 rejected the same on the ground that application as filed would not satisfy the requirement of law to exercise review jurisdiction. This as the application in effect filed seeks the same relief of production of entire documents of Account No. 7179 of respondent in BMC Bank on similar grounds. The impugned order passed by the learned Civil Judge, Senior Division, Aurangabad does not call any interference under Article 227 of the Constitution of India as the impugned orders take a possible view.

4. At this stage, Mr. Mehta, learned Counsel seeks to withdraw this petition with liberty to file an application before the Trial Court specifying

the documents which he requires to be produced by the BMC Bank maintained by it in respect of respondent. Liberty as prayed for is granted.

5. Petition is dismissed as withdrawn with liberty as aforesaid.

(M.S. SANKLECHA, J.)

SSD