

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 167 OF 2017

MR. SATISH VINAYAK BHANDARE., ... Petitioner
Versus
MADKAIKAR REALTORS PVT. LTD., REP.
BY ITS DIRECTOR AND ANR., ... Respondents

Shri Joaquim Godinho, Advocate for the Petitioner.

Coram:- F. M. REIS, J.

Date:- 30th March, 2017

ORAL ORDER :

Heard Shri J. Godinho, the learned Counsel appearing for the petitioner.

2. The challenge in the above Writ Petition is to the order passed by the learned Trial Judge dated 16/11/2016 whereby the petitioner has been directed to produce the original document which is stated to be a plan.

3. Shri Godinho, the learned Counsel appearing for the petitioner submits that the question of producing such original plan at this stage is not at all justified as according to him such document is required for other purposes of the petitioner. The learned Counsel further points out that merely on the basis of allegations of the petitioner, without any corroboration, the

learned Judge was not justified to pass the impugned order.

4. Upon perusing the impugned order, it only directs the compliance of the provision under the CPC to produce the original document. In such circumstances, there is no jurisdictional error committed by the learned Judge while passing the impugned order. In case the petitioner requires such document, liberty to the petitioner to move an application to the learned Judge which shall permit the petitioner to return the document subject to condition which may be imposed in accordance with law. The petition stands disposed off accordingly.

F. M. REIS, J.

NH