

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.1252 OF 2015

Dhananjay Darawade & Ors. ..Petitioners.

V/s.

Smt. Aruna Dagadu Kambale ..Respondent.

Mr.S.C.Wakankar for the Petitioners.

CORAM : N.M.Jamdar, J.

DATED : 9 February, 2017

P.C. :-

By this petition, the Petitioners are challenging the order passed by the learned Small Cause Court Judge, Pune dated 9 December, 2014 wherein certain documents sought to be produced by the Petitioners at the time of final hearing of the suit, was rejected. Perusal of the application made for producing these documents on record does not indicate any reason as to why the Petitioners could not produce these documents earlier. It appears that in cross-examination, the Petitioners had made certain statement which have been taken note of by the learned Judge.

2. A notice was issued in this petition on 22 June, 2015 and the proceedings of the suit has been stayed. The Respondent is

served. None appears for the Respondent to contest the petition.

3. In view of the cryptic nature of the application filed, the learned judge had no option but to refuse the request of the Petitioners to produce the documents at the time of hearing. Considering the fact that the suit of the Petitioners itself might fail and that the Respondent has not appeared to contest the petition, an opportunity needs to be given to the Petitioners to present a proper application giving reasons as to why the documents, in spite of due diligence could not be produced earlier. If such an application is made by the Petitioners, the learned Judge will consider the same on its own merits, irrespective of the impugned order. Writ petition is accordingly disposed of.

(N.M.Jamdar, J.)