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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION (St.) NO. 3493 OF 2017

Mr. Gurunath Kashinath Vaidya. ... Petitioner.

V/s.

Shrikrishna Varadraj Acharya & Ors. ... Respondents.

Mr. Sanjiv Sawant for the Petitioner.

Mr. Chandrakant Chavan for Respondent 1.

Coram : N.M. Jamdar, J.

Date : 22 March, 2017.

P.C. :-

Not on board. Taken on production board by way of praecipe.

2. The Petitioner has challenged the order passed by the Appellate Bench of Small Causes Court dated 17 January 2017 allowing the Revision and permitting certain documents sought to be produced by the Respondent – Plaintiff to be marked as exhibits.

3. The learned Counsel for the Petitioner submitted that the order passed by the learned Trial Judge was not revisable. The Petitioner has invoked the power of superintendence of this Court. It is not for correcting every error that the power is to be exercised. One of the criterias for exercise of the power of superintendence is gross failure of justice. In the present case, the effect of the impugned order is that the certain documents will be marked as exhibits. Merely because these documents are marked as exhibits, the contentions of the Petitioner on merits as regard the documents are not foreclosed. Therefore, the Petitioner is not prejudiced. In the impugned order also this has been clarified. Accordingly, keeping all contentions of the Petitioner open in respect of the documents in question, the Writ Petition is disposed of.

(N.M. Jamdar, J.)