

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10339 OF 2015

Prasad J. Kurade	..	Petitioner
VS.		
Nikita Prasad Kurade	..	Respondent

Mr. A. B. Tajane for Petitioner.
Mr. Rajesh Parab for Respondent.

CORAM : M. S. SONAK, J.
DATE: 07 DECEMBER 2017

P.C :

1] Heard Mr. Tajane for the petitioner and Mr. Rajesh Parab for the respondent.

2] The petitioner – husband challenges the order dated 10th August 2015 by which, the learned trial Judge has allowed the respondent's application at Exhibit 22 and directed the petitioner to produce certain documents on record. Mr. Tajane, learned counsel for the petitioner submits that the impugned order is in violation of principles of natural justice because the petitioner's Advocate was not given proper opportunity to make his submissions. He submits that the matter proceeded upto 5.30 p.m. on 10th August 2015 and even without the petitioner's Advocate having a proper opportunity to put-forth his case, the impugned order was immediately made.

3] Without prejudice to the aforesaid, Mr. Tajane submits that the petitioner in his reply to application at Exhibit 22 had very categorically stated that he has no concern with the various businesses in respect of which the documents were applied for. He submits that the businesses belong to and are run by the petitioner's parents and therefore, no directions can be issued to the petitioner for production of such documents on record.

4] Mr. Parab, learned counsel for the respondent points out that the petitioner is a partner in the businesses in respect of which documents were applied for. He submits that in fact it was the duty of the petitioner to produce all such documents and the resistance to produce such documents on record is not proper. He submits that there is no breach of principles of natural justice and the impugned order, is procedural in nature, may not be interfered with.

5] The rival contentions are evaluated in the light of material on record and the reasoning in the impugned order. On basis of the same, there is no case made out to exercise extra ordinary jurisdiction under Article 227 of the Constitution of India.

6] The impugned order records that the petitioner, is inducted as a partner in respect of the shopping mall. At least some of the

documents applied for relate to this shopping mall. Besides, the petitioner has been called upon to produce his own income tax returns and surely the petitioner cannot say that he is unconcerned with his own returns. In any case, there is no harm if the petitioner produces the documents which the impugned order directs him to produce. If what the petitioner states is correct, then perhaps, these documents might establish that the petitioner has no concern with the businesses. However, there is no case made out to interfere with the impugned order, since there is neither any jurisdictional error nor is there any perversity in the making of the same.

7] There is no basis to uphold the contention based on principles of natural justice. In any case, the matter has been argued before this Court and there is really no case made out to interfere with the impugned order on the grounds urged or even otherwise.

8] In the result, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)