

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

WRIT PETITION NO. 10017 OF 2017

Status Enterprises & Anr.	...	Petitioners
V/s.		
Kailasrao Sakharam Kodre	...	Respondent

Mr.Amol Doijode a/w. Mr.Levi Rubens & Mr.Joshua D'Souza i/b. Vigil
Juris for the Petitioners.
Mr.Rameshwar N. Gite for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 14th DECEMBER, 2017.

P.C. :

1] Heard learned counsel for the Petitioners and the Respondent.

2] The Application filed by the Petitioners before the trial Court for calling the original documents produced in Criminal Case No.4145 of 2004 pending in Criminal Appeal No.221 of 2011 came to be rejected by the Court of 5th Jt. Civil Judge Senior Division, Pune vide its impugned order dated 25.07.2017. Hence, being aggrieved this Writ Petition is preferred.

3] The submission of learned counsel for the Petitioners is that these original documents pertain to the Cheque, Promissory Note, Cheque Return Memo etc. They are already admitted and exhibited in Criminal Trial and, therefore, there was no difficulty for trial Court in calling for those documents in order to enable the Petitioners to cross-examine the Respondent.

4] The reasoning given by the trial Court shows that the trial Court has rejected the said application on the ground that the certified copies of those documents were already produced on record, hence there was no propriety to call for the original documents from the Sessions Court and if those documents are called from the concerned Court, the hearing of the appeal would be delayed. It was further held that the present matter is also more than 10 years old and is required to be disposed of as early as possible, according to the directions issued by the Hon'ble High Court.

5] Perusal of the reasons given by the trial Court does not disclose any illegality or perversity in the order so as to warrant interference therein. The Petitioners have not made at all clear in the

application as to why these original documents are required, especially when the certified copies of those documents are produced before trial Court. As no such case is made out, the trial Court has rightly rejected the said application.

6] This petition does not hold any merit and hence, petition stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]