

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

**CIVIL APPLICATION NO.1800 OF 2017
IN
SECOND APPEAL NO.34 OF 1997**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.S.Alange for the applicant

Mr. M.S.Mulla h/f Mr.I.M.Khairdi for the
respondent

**CORAM : K. K. TATED, J.
DATE : DECEMBER 13, 2017**

P.C.:

1. Heard.
2. This application is preferred by original appellant for direction to the Registry to hand over original documents filed by him in Regular Civil Appeal No.99 of 1985.
3. The learned counsel for the applicant submits that another Regular Civil Suit No. 404 of 2012 is pending before the Joint Civil Judge, Senior Division, Barshi between the parties. He submits that document described in paragraph 7 of the Civil Application are required by the applicant

to produce in Regular Civil Suit No. 404 of 2012. He submits that applicant initially filed Application below Exhibit- 321 before the Joint Civil Judge, Senior Division, Barshi in Regular Civil Suit No. 404 of 2012 for calling those documents from the Registry of this court. He submits that Trial Court by order dated 5.8.2017 rejected original application below Exhibit- 321. Hence, applicant preferred the present Civil Application for allowing applicant to collect original documents from the Registry on the undertaking that he will return back those documents as soon as Regular Civil Suit No. 404 of 2012 is over. He further makes a statement that applicant undertakes to place on record notarised true photocopy of the original document in the Registry of this court at the time of taking original back.

4. The learned counsel for the respondent submits that they do not have any objection for allowing the present Civil Application.

5. Considering the submissions made by the learned counsel for the Applicant, order dated 5.8.2017 passed below Exhibit-321 in Regular Civil Suit No. 404 of 2012 and as applicant is ready and willing to give undertaking in the Registry of this court that he will place on record notarised photocopy of original document and he will bring

original document as soon as hearing of Regular Civil Suit No. 404 of 2012 is over, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

A) Civil Application is allowed in terms of prayer clause (A) which reads thus:

“(A) Applicants be permitted to take the original documents which are filed in the present proceedings out of which present Second Appeal has arisen which are more particularly described as Documents :

- a. Original Agreement for Sale dated : 27/03/1972 which is exhibited at Exh.83 in Regular Civil Suit No.99 of 1985.*
- b. Original Karar Patra Dated. 31/08/1972 which is exhibited at Exh.85 in Regular Civil Suit No. 99 of 1985.*
- c. Original Receipt dated. 31/08/1972 which is exhibited at Exh. 86 in Regular Civil Suit No.99 of 1985.*

On such terms and conditions as this Hon'ble Court may deem fit and proper in the interest of justice and in the facts and circumstances of the present case.”

B) Applicant to place on record certified photocopy of original documents and to give undertaking to bring back those original back as

soon as hearing of Regular Civil Suit No. 404 of 2012 pending before the Joint Civil Judge, Senior Division, Barshi is over.

C) Civil application stands disposed off accordingly.

(K.K.TATED, J.)