

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9732 OF 2017

AGRICULTURE PRODUCE MARKET COMMITTEE
VERSUS
JEEVAN VINAYAK JAGIRDAR AND ANOTHER

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Advocate for Petitioner : Shri Chapalgaonkar S.G.

Advocate for Respondent 1 : Shri Borde K.B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: June 14, 2018

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PER COURT :-

1. This matter has been heard on 11.6.2018 and today. Learned Advocate for the original plaintiff submits on instructions that the documents from Sr. Nos.15 to 23 found in Schedule 'A' to the application Exhibit 158 dated 9.9.2016 and the documents at Sr. No.4 in Schedule 'A' to the application Exhibit 192 dated 16.1.2017, are most relevant to the pending litigation and the claims of the petitioner. He, therefore, submits on instructions that he is willing to take inspection of these documents within the time prescribed and in the event the individual ledger accounts from the year 2007 to 2011 do not indicate the work done by the plaintiff, he may move a separate application praying for inspection of the documents at Sr. Nos.1 to 14 in Schedule 'A' to Exhibit 158.

2. Learned counsel for the petitioner submits that the inspection desired by the plaintiff with regard to the documents from Sr. No.15 to 23 and Sr. No.4 referred to above, can be offered within a period of three weeks. If any application is filed thereafter for seeking production of documents or inspection, the same would be opposed by the petitioner and the trial Court be directed to consider the said application by taking a strict view. Learned counsel for the plaintiff is agreeable.

3. In the light of the above, this petition is partly allowed. The impugned order dated 29.6.2017 passed below Exhibits 158 and 192 is modified. The plaintiff shall be at liberty to take inspection of the documents from Sr. Nos.15 to 23 under Exhibit 158 and Sr. No.4 under Exhibit 192 on 7.7.2018 at 11.00 am in the office of the petitioner. If extracts are sought by the plaintiff, he shall deposit the requisite fees and the petitioner would make such extracts available within a period of 14 days from the date of the request.

4. In the event, the plaintiff files another application for production of documents in relation to Sr. Nos.1 to 14 of Exhibit 158, the trial Court would consider the said application only if there is a strong justifiable cause putforth by the plaintiff.

5. Needless to state, in so far as the probative value of the inspected documents are concerned, all contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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