

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8575 OF 2018

Mrs. Anna F. D'Souza

..... Petitioner

VERSUS

Peter Diago Fernandes

..... Respondent

Mr. Saiprasad Dudhane, a/w. Ms. Samidha Mondal, i/b.
Mr. M.A. Dudhane for the Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 17th SEPTEMBER, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 17th January, 2018 in this writ petition filed by the petitioner (original plaintiff) rejecting the application of the petitioner directing the defendant to produce the original purchase agreement of the suit premise and the original share certificate. It is averred in the plaint by the petitioner that the original of the documents are with the defendant. The defendant has filed the written statement and has admitted in paragraph 18 that all the original documents are kept by the defendant himself. The defendant has not filed any original documents before the trial court in compliance with the provisions of Code of Civil Procedure, 1908.

2. If any application is filed by the petitioner for leading the secondary evidence in these circumstances, the same shall be

considered by the learned trial judge in view of the defendant refusing to bring the original documents though the same are in his possession. With these clarifications, I do not propose to interfere with the impugned order dated 17th January, 2018.

3. Writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

[R.D. DHANUKA, J.]