

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

WRIT PETITION NO.10878 OF 2018

Saraswati Nagesh Vale	.. Petitioner
Vs.	
Nagesh Chandrakant Vale	.. Respondent

Mr.Sachin P. Rajepandhare for the petitioner.
Mr.Prasad P. Kulkarni for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 5th October 2018

P.C.:

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the orders dated 21st June 2018 and 7th July 2017 passed by the learned trial Judge below Exhibits-68 and 69 respectively in H.M.P. 85 of 2015 thereby rejecting the application filed by the petitioner for seeking leave to produce documents including the statement dated 18th May 2015 and for issuance of witness summons to the Police Head Constable.

2. The learned trial Judge has rejected both these applications. Evidence of the respondent (original plaintiff) is concluded. Evidence of the petitioner (original respondent) is still going on.

3. In my view, both these orders can be challenged by the petitioners along with the final decree if the same is passed against the petitioners in the said H.M.P. 85 of 2015 in view of Section 105 of the Code of Civil Procedure, 1908.

4. I am thus not inclined to interfere with these two orders at this stage. Writ petition is disposed of in aforesaid terms. No order as to costs. Hearing of the said H.M.P. 85 of 2015 is expedited. Office is directed to accept the vakalatnama of the learned Advocate who appears today on behalf of the respondent if filed within two days from today. The petitioner is directed to convey this order to the learned trial Judge for compliance.

R.D. DHANUKA, J.

Prachi
Pranesh
Nandiwadekar

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signed by
Prachi Pranesh
Nandiwadekar
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