

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11401 OF 2019

KIRAN HUKUMCHAND CHALLANI
VERSUS
NIRMALA BANDULAL CHALLANI

Mr.S.G.Dodya, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/09/2019

PER COURT :

1. The petitioner/original plaintiff in RCS No.34/2016, is aggrieved by the order dated 02/11/2018 passed by the Trial Court by which, his application Exh.27, seeking production of "FILE" from the Cidco Authority, has been rejected.

2. The learned Advocate for the petitioner has strenuously criticized the impugned order on the basis of the 10 grounds formulated in the memo of the petition. In the alternative, he submits on instructions that if any issue is raised about production of true copies by virtue of the impugned order, liberty may be granted to raise a grievance.

3. It appears from the record that the plaintiff has averred before the Trial Court that there are certain documents lying with the Cidco Authorities. Application Exh.20 to produce Outward No.878/2010 was allowed by the Trial Court. The Assistant State Officer of Cidco appeared on 04/09/2017 and produced the documents at Exh.25.

4. The petitioner then moved Exh.27 contending that the record filed with regard to the parties namely Kiran Challani and Nirmala Challani should have been filed by Cidco. They have allegedly refrained from doing so and have produced certain other documents before the Court.

5. The Trial Court, while rejecting Exh.27 has observed in paragraph No.5 as under :-

“Thus, it seems that even though the documents if any remained with CIDCO, plaintiff can very well apply for true copy of said documents and produce before the Court. In such circumstances when plaintiff is able to produce true copy, it is not desirable to call entire record and proceeding pending before CIDCO authority. With these observations, I proceed to pass following order.”

6. Considering the above, when the Trial Court has granted the petitioner the liberty to apply and produce true copies of the documents before the Court after obtaining them from Cidco, the interest of the petitioner is sufficiently protected. The petitioner has approached this Court without even making an effort to collect the true copies from Cidco though the impugned order dated 02/11/2018 was passed 10 months ago.

7. In view of the above, this petition being devoid of merit, is therefore dismissed.

(Ravindra V.Ghuge, J.)