

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12848 OF 2019

GAYATRI GOPAL DESHMUKH AND OTHERS
VERSUS
GAURI DHANANJAI HIRWE AND OTHERS

...

Advocate for Petitioners : Shri Kothari Pratik P.

...

CORAM : RAVINDRA V. GHUGE, J.

Dated: October 16, 2019

...

PER COURT :-

1. The petitioners / original defendants 1 to 3 are aggrieved by the order dated 25.7.2019, passed by the trial Court, by which, application Exhibit 150 in SCC No.223 of 2010 filed by the plaintiff, has been allowed and defendants 1 to 3 are directed to produce their Bank Statements for the period 2009 to 31.5.2019.

2. The contention of the petitioners is that the plaintiff had given up a particular share of the ancestral property. She has approached the trial Court with the plea that she is being deprived of her right. She is the biological sister of petitioners 2 and 3 and is the daughter of petitioner 1. She has sought 1/4th share in the property.

3. The grievance of the petitioners is that though the plaintiff entered into a compromise with some of the defendants and accepted

execution of the sale deed dated 21.5.2010, she has now alleged that the sale deed is illegal. She was paid Rs.17,51,000/- for relinquishing her share in the property. After she relinquished her share, the said property was sold and the petitioners received consideration. The Bank Account Statements are in relation to the consideration which is alleged to be received by selling the share of the plaintiff.

4. It is in the above backdrop that the plaintiff has filed Exhibit 150 seeking production of the Bank Statements, which would indicate the actual amount received by the seller, with reference to the share of the plaintiff.

5. The learned advocate for the petitioners has drawn my attention to the grounds formulated in the memo of the petition. Reliance is placed upon the judgment delivered by this Court in the matter of 20th Century Fox Corporation (India) (P) Ltd. Vs. F.H. Lala [(1974) II LLJ 156 Bom.= 1975 Mh.L.J.273].

6. In view of the above, I find that as the plaintiffs had approached the trial Court in view of her belief that she has been duped by her brothers, who are not divulging the entire sale consideration received by them by selling the share of the plaintiff,

that she desires the production of the Bank Statement which would indicate the amount received by the petitioner.

7. In view of the above, it cannot be assumed at this stage that the production of the bank statement would be a futile exercise. While exercising supervisory jurisdiction, this Court has to assess as to whether the impugned order could be termed as being perverse, erroneous and likely to cause gross injustice to the petitioners, keeping in view the law laid down by the Honourable Apex Court in the matters of Syed Yakoob Vs. K.S. Radhakrishnan and others [AIR 1964 SC 447] and Surya Dev Rai Vs. Ram Chander Rai [(2003) 6 SCC 682].

8. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

...