

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5324 OF 2019

Chandraprakash Ramdas Agle	...Petitioner
Versus	
Saroj Nathuram Divekar	...Respondent
Mr. Tejas P. Hartalkar, a/w Mr. P. G. Hartalkar, for the Petitioner.	

CORAM: N. J. JAMADAR, J.
DATED: 21st JUNE, 2019

PC:-

1. Heard Mr. Hartalkar, the learned Counsel for the Petitioner.
2. The Petitioner assails the order passed by the learned Civil Judge, Junior Division, Murud, on 30th August, 2018, on an application seeking production of documents (Exhibit 21), in Regular Civil Suit No.8 of 2018, whereby the application was partly allowed and the prayer of the Petitioner - plaintiff to direct the defendant to produce last three years income tax returns, balance-sheet and profit and loss account as well as the bank statements of the defendant and his wife from the year 2016 till date came to be rejected. The learned Counsel for the Petitioner submits that the aforesaid documents are necessary for the adjudication of the real question in controversy and the learned Civil Judge could not have rejected the said prayer.

3. From the perusal of the material on record and the impugned order it becomes evident that the suit has been instituted for a decree of perpetual injunction. An application for grant of temporary injunction was awaiting determination. In this backdrop, the learned Civil Judge was justified in declining the prayer of the Petitioner on the premise that the documents like income tax returns, balance-sheet and bank statements of the defendant, were not germane for the determination of the controversy at that stage.

4. It is trite that the parties will have to first complete the pleadings and thereafter lead evidence. In the light of facts in issue, depending upon the onus of proof, the Petitioner may seek the production of documents at an appropriate stage and the same may be considered by the learned Civil Judge in accordance with law.

5. With these observations the petition stands rejected.

[N. J. JAMADAR, J.]