

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10867 OF 2013

Prakash Laxman ChanderkarPetitioner

V/s.

Shri. Prasanna Tukaram Kubal
and anr.Respondents

Mr. A.S. Khandeparkar a/w. Mr. Rajdeep D. Gude i/by.
Khandeparkar & Associates, Advocate for the petitioner.

Mr. Chandrakant V. Solaskar i/by. Mr. Sudhir Prabhu,
Advocate for respondents no.1 and 2.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 12th June, 2019.

P.C. :

1. Heard learned Counsel for both the sides.
2. The petitioner is plaintiff in Regular Civil Suit
No. 48 of 2008, pending on the file of Civil Judge
Sindhudurg, Oras. Plaintiff seeks declaration of his title

and possession of the suit property from the defendants no.1 and 2.

3. Pending suit, plaintiff filed an application and sought production of document dated 7th December, 1998 bearing forged signature of his deceased mother, from the custody of the defendant no.2. The learned Judge rejected the request, vide reasoned order dated 3rd November, 2009.

4. Yet, vide another application dated 13th December, 2011, Plaintiff renewed the similar request; however, learned Judge rejected it, on 3rd January, 2012 being not tenable.

5. In Writ Petition No. 3338 of 2012 the Court upheld the order dated 3rd January, 2012 but granted liberty to challenge first order dated 3rd November, 2009.

6. Petitioner thus challenged the order dated 3rd November, 2009 in this writ.

7. The petitioner, neither in the petition nor in the applications filed, has stated under which provision he is seeking production. Presuming application is one under Order 11 Rule 14 of CPC, but for the absence of reliefs, relating to the document of which production is sought, application is not tenable.

8. That even otherwise, it appears petitioner has instituted criminal proceedings against the defendant no.1 and 2 for forging the signature of his mother on the Power of Attorney dated 7th December, 1998, as could be seen from para-5 of the Writ Petition. Even otherwise, production of document is sought which is not relating to the matter in question in the subject suit.

9. That for the reasons stated hereinabove, petition is dismissed.

(SANDEEP K. SHINDE, J)