

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1076/2019

Yadavrao S/o Deorao Pagrut & anr.

..VS..

Balkrushna S/o Laxman Pagrut & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Tirukh, Advocate for the petitioner(s)

CORAM : Z.A.HAQ, J.
DATED : 12/02/2019

Heard.

The defendant nos. 1 and 2 have challenged the order passed by the trial Court by which the application (Exh. 55) filed by the plaintiffs under Order VII Rule 14 read with Order XIII Rule 1 of the Code of Civil Procedure seeking permission to produce on record the sale-deed dated 03/01/1991, is allowed. According to the plaintiffs, the sale-deed is executed by the father of the defendants in favour of the son of the plaintiffs.

The submissions on behalf of the petitioners – defendant nos. 1 and 2 is that the plaintiffs have sought production of the sale-deed on record by mis-representing the Court that the plaintiffs were not aware about the execution of the sale-deed earlier. It is further submitted that the trial Court has committed an error by permitting the plaintiffs to produce the sale-deed on record after their evidence is recorded.

After going through the impugned order, I find that the learned trial Judge has adverted to the relevant aspects. The learned trial Judge has observed that if the sale-deed is permitted to be placed on record, it will facilitate the adjudication of the controversy. The learned trial Judge has further observed that the plaintiffs are agriculturists and rustic villagers and therefore some benefit should be given to them and they should not be non-suited on technicalities. The defendant nos. 1 and 2 have not been able to point out any prejudice caused to them by permitting the plaintiffs to produce the sale-deed on record, at this stage. Undisputedly, the recording of evidence of the defendants is yet to commence.

In the above facts, I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari