

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

WRIT PETITION NO. 6039/2017

Kamlesh L. Daga

..VS..

Jugalkishor Harnarayan Laddha & ors.

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

Court's or Judge's orders

Shri J.B. Kasat, Advocate for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 02/08/2019

Heard.

In the civil suit filed by the petitioner, the defendant no. 1 has filed counter claim. Before recording of evidence started, the plaintiff had filed the application (Exh. 47) praying that the defendant no. 1 be directed to file carbon copy (original) of the agreement dated 07/11/2011 and the original carbon alleged to have been used for preparing the carbon copy of the agreement. This application is decided by the impugned order.

At the time of hearing of the application (Exh. 47), the defendant no. 1 showed his willingness to produce the documents before the trial Court as and when required. According to the defendant no. 1, the documents are required to be protected and therefore he wants to retain those documents in his custody. Accepting the submission made on behalf of the defendant no. 1 that the documents would be produced as and when required by the plaintiff for inspection, the application (Exh. 47) is rejected.

After going through the impugned order, I find that the learned trial Judge has not committed any illegality or error of jurisdiction while deciding the application (Exh. 47). The plaintiff is perhaps aggrieved by the operative part of the order in which it is recorded that the application (Exh. 47) is rejected. If the order is considered in its entirety, it is clear that the defendant no. 1 is bound to produce the documents sought by the plaintiff as and when required by the plaintiff and the documents will also have to be produced as and when directed by the trial Court.

With these observations, the writ petition is **disposed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari