

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6283 OF 2019

Ram Baccharam Dewani, Akola, Thr. POA holder Aziz Khan Sardar Khan, Naigaon Akola

-vs-

Ramavtar Raghuvirdayal Agrawal, Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. S. Gawai, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.

DATE : September 16, 2019

The petitioner is aggrieved by the order passed by the trial Court below Exhibit-63 whereby the application preferred by him under provisions of Order XI Rule 12 read with Rule 14 of the Code of Civil Procedure, 1908 for discovery of documents has been rejected.

Perusal of the application below Exhibit-63 indicates that it has been moved by referring to documents in general terms. The documents of which production is sought have not been specified and infact the defendant prays that the plaintiff should be directed to produce all documents which are in his possession relating to the controversy in the suit. It is found that the application as moved is vague and without any particulars.

In that view of the matter Shri P. S. Gawai, learned counsel for the petitioner prays that the defendant be permitted to withdraw the said application with liberty to file fresh application giving necessary details.

Accordingly the application filed below Exhibit-63 before the trial Court is permitted to be withdrawn. As a result the impugned

order would cease to operate. The defendant is at liberty to file fresh application giving necessary details. If such application is filed, same shall be decided on its own merits and in accordance with law.

The writ petition is disposed of. No costs.

JUDGE