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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 86 OF 2001
IN
SECOND APPEAL No. 284 OF 1995

Parabati Vithal Mozar & Anr. ... Applicants
Vs.
Dashrath S. Chorat & Ors. ... Respondents

Mr. S. G. Deshmukh a/w Priya A. Patil i/b Gautam Kanchanpurkar, for
the Applicants.

Mr. R. A. Thorat, Sr. Counsel a/w Nazia S. A. Shaikh a/w Aditi
Naikare i/b P. J. Thorat, for the Respondents.

CORAM : C. V. BHADANG, J.

DATE : MAY 26, 2020

PC :

1. This is an application for production of documents, presumably under Order 41, Rule 27 of Civil Procedure Code. As per order dated 2nd February, 2005, this application was directed to be heard alongwith the appeal.

2. The applicants / appellants seek production of the following documents:

(i) Mutation Entries;

(ii) Record of rights / 7-12 extracts;

(iii) Challans showing the statutory price of the tenancy land deposited by defendant No. 1 in the government treasury;

(iv) deposition of Gangubai before the tenancy authorities;

(v) affidavit of Krishna Ramchandra Choudhary / Patil
(since deceased).

3. The only ground on which production is sought that the applicants are illiterate and were staying in remote village Nhalewadi, Taluka Wai, district Satara and were unaware of the court procedure. It is contended that the documents were not available. It is contended that the documents are necessary in order to enable this Court to decide the appeal and pronounce the judgment.

4. There are several mutation entries, none of which show survey number or description of the property and it is difficult to see as to how these documents are relevant. Furthermore, many of the documents appear to be the copies issued in the year 1995 when the second appeal was filed and there is no acceptable reason for non-production of the said documents before the trial court or even before the first appellate court.

5. No case for production of the documents is made out. The application is thus dismissed.

Vinayak
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Halemath

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C. V. BHADANG, J.