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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13236 OF 2017**

Dnyaneshwar Mohan Mane and Ors.	... Petitioners
Versus	
Vikas Vasant Mane and Ors.	...Respondents

Mr. A. A. Joshi, for the Petitioners.

Mr. R. S. Pachundkar, for the Respondent Nos.1 and 2.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th FEBRUARY, 2020

P.C. :

1. At the outset, learned counsel for the Petitioners seeks leave to delete the Respondent nos.3 to 14 from the array of Respondents. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this Petition, the Petitioners have impugned the order dated 30th October, 2017, passed by the learned Civil Judge, Junior Division, Mangalwedha, District - Solapur, by which, the petitioners' applications (Exhibits – 141 and 144) filed in R.C.S. No.108 of 2009, came to be rejected.

4. Perused the papers. The petitioners are the original legal

representatives of Defendant no.2-Mohan Ramchandra Mane. Respondent Nos. 1 and 2 are the original plaintiffs who have filed a suit for partition and separate possession. It is not in dispute that the plaintiffs evidence is over and defendant no.1's evidence is also over and the matter is posted for recording of the evidence by defendant no.2 i.e. of the petitioner. It appears that at this stage, the petitioners filed two applications i.e. Exhibit – 141, seeking permission to lead secondary evidence and Exhibit – 144 for giving direction to the plaintiffs to produce the original copy of the partition deed.

5. According learned counsel for the respondent nos.1 and 2 (original plaintiffs) they are not in possession of the original partition deed. and therefore the question of producing the same does not arise.

6. Learned Counsel for the Respondent Nos.1 and 2 however has no objection if the impugned order is quashed and set aside to the extent that it rejects the petitioners application (Exhibit – 141). He states that he has no objection, if the said application (Exhibit – 141) is allowed and certified copy of the original partition deed is taken on record.

7. Learned Counsel for the petitioners also does not press this

petition inasmuch as it reject's the petitioners' application (Exhibit – 144).

8. Considering the aforesaid, the petition is partly allowed. The impugned order dated 30th October, 2017, passed by the learned Civil Judge, Junior Division, Mangalwedha, District - Solapur, rejecting the petitioner's application (Exhibit – 141) in R.C.S. No.108 of 2009, is quashed and set aside. The petitioners are permitted to bring on record the certified copy of the original partition deed, in accordance with law.

9. The respondent nos.1 and 2 (original plaintiff) also have no objection if the said certified copy of the original partition deed is placed on record by the petitioners.

10. The petition is accordingly disposed of on the aforesaid terms. Since the suit is of the year 2009, the learned trial Judge is requested to dispose of the said suit as expeditiously as possible, and in any event, within four months from the date of receipt of this order.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.