

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

CIVIL APPLICATION (CAA) NO.79 OF 2019

WITH

CIVIL APPLICATION (CAA) NO.80 OF 2019

IN

APPEAL AGAINST ORDER NO.39 OF 2019

Smt. Sangeeta Wd/o Mahesh Talmale.

Vs.

Smt. Saraswatibai Wd/o Pandurang Talmale and others.

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

Court's or Judge's orders

Shri Firdos Mirza, Advocate for appellant.

Shri S. V. Purohit, Advocate for respondent nos.3 to 6 and 8.

Shri V. P. Maladhure, AGP for respondent nos.12 & 14.

Mr. S. K. Mishra, Senior Advocate with Shri A. Quazi, Advocate for
respondent no.15.

CORAM : AVINASH G. GHAROTE, J.

DATE : JANUARY 21, 2020.

CIVIL APPLICATION (CAA) NO.79 OF 2019

Heard Mr. Mirza for the appellant and Mr. S. K. Mishra, learned Senior Counsel with Shri A. Quazi, learned counsel for the respondent no.15 and Mr. Purohit, learned counsel for respondent nos.3 to 6 and 8, learned Assistant Government Pleader for respondents 12 and 14 and Mr. G. A. Kunte, learned counsel for respondent no.13 is absent.

By this application under Order 41 Rule 27 of CPC, the appellant seeks leave to place on record certain documents which according to the appellant are relevant and have a material bearing upon the matter in issue. These documents

have been obtained by the appellant under the Right to the Information Act from the office of the respondent no.15 the Nagpur Municipal Corporation. Learned Senior counsel Mr. S. K. Mishra seriously opposes the filing of the documents on account of there being no reason shown in the application and the delay caused in placing them on record, in spite of the fact that they were obtained some time in 2016.

It is not in dispute that the documents sought to be filed, have been issued by the Nagpur Municipal Corporation / respondent no.15 under the Right to Information Act, in light of which, the respondent no.15 is already aware of those documents. The present appeal from order arises out of the order passed by the Trial Court dated 04.09.2019 in Special Civil Suit No.431 of 2015 whereby the application for grant of temporary injunction seeking restraintment to the respondents from acting on the development plan of 2001, was rejected. Thus the matter is at an initial stage and no prejudice would be caused to the respondents if the documents, which have been obtained from the custody of the respondent no.15 are permitted to be placed on record. In that light of the matter Civil Application No.79 of 2019 is allowed. The documents be placed on record. Civil application is accordingly disposed of.

CIVIL APPLICATION (CAA) NO.80 OF 2019

Learned counsel Shri Mirza, states that he is not pressing this application. The statement is accepted and

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911.CAA.79 & 80.19

recorded. Civil Application No.80 of 2019 is disposed of as not pressed.

The learned counsel for the parties submits that they are willing to work out the matter on the next date, so that the same could be finally decided at the stage of admission itself. List the matter on 06.02.2020 for final disposal. The interim arrangement as reflected from the order 10.01.2020 to continue to 06.02.2020.

JUDGE

Sarkate