

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4286 OF 2013
WITH
CIVIL APPLICATION NO.1845 OF 2016
WITH
INTERIM APPLICATION NO.3527 OF 2021
WITH
INTERIM APPLICATION NO.3526 OF 2021

Shriram Revaji Fokane .. Petitioner

Versus

Kantabai Ramhari Gulwe & Ors. .. Respondents

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Mr.Girish R. Agrawal for the Petitioner/Applicant.

Mr.Pritesh K. Bohade for the Respondent Nos.1 and 2.

...

CORAM: BHARATI DANGRE, J.

DATED : 26th NOVEMBER, 2021

P.C:-

1. The petitioner is aggrieved by the impugned order dated 16/02/2013 passed below Exh.164 in R.C.S. No.85 of 2021 whereby he sought production of documents for reading them in evidence. Unfortunately, stay to the proceedings granted by this Court vide order dated 02/05/2013 on the ground that the order was not legible and the typed copy was directed to be produced, continued to operate even till date.

2. Heard learned counsel Mr.Agrawal for the petitioner and the learned counsel Mr.Bohade for respondent Nos.1 and 2. Perused the impugned order.

3. The plaintiff had sought production of documents by filing an application, after his examination-in-chief was recorded. The learned Judge has simply recorded that the documents can be allowed to be produced, but since the chief is over, they cannot be read in evidence. The prayer for reading the documents in evidence is, therefore, rejected though the production is allowed.

4. Since the said order does not suffer from any illegality and, the learned Judge has rightly applied the principle contained in Order 13 Rule 1 of the C.P.C. and has passed the impugned order and it is upheld. Resultantly, the writ petition stands dismissed.

5. In view of the disposal of the writ petition, the civil applications do not survive and stands disposed of. The petitioner is at liberty to press the applications in the main suit.

6. It is to be noted that in view of stay, which is granted in the year 2013, R.C.S. No.85 of 2013 is pending on the file of the learned Civil Judge, Junior Division, Ratnagiri, the learned Judge is requested to make an attempt to expeditiously dispose of the same.

(SMT. BHARATI DANGRE, J.)