

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

WRIT PETITION NO. 7671/2019

Atul Bhaskarrao Duragkar

...Versus...

Arun Shankar Meshram and others

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

Court's or Judge's orders

Mr.S.PKshirsagar, Advocate for petitioner

Mr. C.A.Anthony, Advocate for Respondent Nos.1 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/11/2021

Heard Mr. Khisrsagar, learned counsel for the petitioner and Mr. Anthony, learned counsel for the respondents.

The petition challenges the order below Exh.58 and 59, whereby the learned trial Court has partly allowed the application and partly rejected the application filed by the witness to place on record documents summoned from the bank. The rejection is in respect of Cheque No. 303441 on Account No. 5150, which is in the name of Atul Bhaskar Duragkar. Admittedly, Atul Bhashar Duragkar is the plaintiff in the suit and there was no reason whatsoever for the learned Trial Court to have disallowed the production of the said document on the ground that the account number was in the name of an individual person. The purpose of summoning the cheque was to prove the transaction and the payment claimed to

have been made to the deceased owner of the property, which, in my considered opinion, the plaintiff/petitioner was entitled to prove in law. That being the position, the impugned order dated 20.9.2019 passed below Exh. 58 by the learned trial Court is hereby quashed and set aside. For the same reason, the order below Exh. 59 also cannot be sustained and the same is also quashed and set aside. Exh. Nos. 58 and 59 are allowed.

Petition is accordingly disposed of in above terms.

JUDGE

rvjalit