

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**970 WRIT PETITION NO.3820 OF 2022**

PANDIT TOTARAM VISPUTE  
VERSUS  
THE GENERAL MANAGER, MAHARASHTRA GRAMIN BANK,  
AURANGABAD AND OTHERS

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Advocate for Petitioner : Mr. B.R. Kawre  
Advocate for Respondent No.1 : Mr.Pradeep Shahane and  
Mr.Parag P. Shahane  
Advocate for Respondent Nos.2 to 31 : Mr. A. A. More

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**CORAM : MANGESH S. PATIL, J.**

**DATE : 29 June 2022**

**PER COURT:-**

Heard both the sides.

2. The petitioner is the Second Party in a Reference under Section 2(k) of the Industrial Disputes Act. Respondent No.1 is the First Party.

3. By submitting a notice to produce documents, the petitioner called upon respondent No.1 to produce the documents enlisted therein. The notice was replied by respondent No.1 by its say and denied custody.

4. The petitioner submitted an application (Exhibit U-8)

soliciting an order directing respondent No.1 to produce the documents according to the notice served upon it. Another application (Exhibit U-49) was also preferred for the similar direction. Both these applications have been rejected by the Labour Court by separate orders under challenge.

5. The learned Advocate for the petitioner would vehemently submit that it is mandatory for respondent No.1 to maintain the record about which the notice to produce was served upon it but it has falsely denied custody. Even the Labour Court has refused to issue any directions to respondent No.1 without which it would be difficult for the petitioner to prove the facts.

6. Admittedly, notices to produce documents were issued to respondent No.1 and it denied custody. The reasons apart, when it was merely notices to produce documents and respondent No.1 had denied custody, no further direction to it to produce the very same documents could have been issued.

7. It is not that all the doors to the petitioner are closed. It will be always open to him to take a stand that after issuing the notice to produce the documents, it was not responded favourably by the other side, to demonstrate that it was

intentionally avoiding to produce the documents and even call upon the Court to draw adverse inference. Even otherwise, it would be always open for the petitioner to lead secondary evidence in respect of the contents of the documents, if he is able to make out the grounds contemplated under Section 65 of the Evidence Act.

8. The learned Judge of the Labour Court in my considered view has not committed any error in refusing to pass any order directing respondent No.1 to produce the documents.

9. The writ petition is dismissed.

**( MANGESH S. PATIL )**  
**JUDGE**

SPT