

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14853 OF 2021

PANDURANG JAGANNATH AGRAWAL DECEASED THROUGH HIS LRS
SMT DURRGADEVI PANDURANG AGRAWAL AND OTHERS
VERSUS
RAMCHANDRA DADARAO BHAKT DECEASED THROUGH LRS SMT
SULOCHANADEVI RAMCHANDRA BHAKT AND OTHERS

Mrs.Charuta S.Deshmukh, Advocate for the petitioners.

(CORAM : BHARATI H. DANGRE, J.)

DATE : JANUARY 31, 2022

PER COURT :

1. At the outset Mrs. Deshmukh seeks substitution of document placed at Exh.A, copy of the plaint in Spl.Civil Suit No.70/1990. The substitution as sought for is granted and the amended copy is taken on record. The petitioners are aggrieved by an order passed below Exh.256, seeking production of original documents by the plaintiffs on 15/11/2021.

The present petitioners, who are the defendants in the suit, opposed the said application on the ground that the suit is of the year 1990 and the documents are sought to be produced before the Court at a belated stage and also on the ground that this document do not find any pleading in support in the plaint instituted by the plaintiffs.

2. By an order dated 15/11/2021, the said documents tendered alongwith the list of documents is granted by recording that mere bringing the documents on record do not amount to it's admission and since the cross examination of the plaintiffs has not yet commenced and even the defendants have not entered into witness box, it is always open for the parties to doubt the existence and authenticity of the document.

3. I do not find any illegality or perversity in the impugned order, since though the suit is quite old, I am being informed that at present even the plaintiffs have not been examined. In the aforesaid circumstances, it is always open for the defendants i.e. the present petitioners to raise an objection about exhibiting of the said documents and also its contents.

4. In the wake of the above, since merely the list of documents is permitted to be brought on record, no prejudice is caused to the petitioners i.e. the defendants in the suit. The impugned order is, therefore, upheld and the writ petition is dismissed.

(BHARATI H. DANGRE, J.)