

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VAISHALI
ANIL
TIKAM

WRIT PETITION No.1062 OF 2011

Arun Kisan Alias Krishnaji Kanpile

Decd Thr. Lrs.

...Petitioner

Vs.

Subhash Kisan Alias Krishnaji Kanpile

and Ors.

...Respondents

WITH

INTERIM APPLICATION No. 17352 OF 2022

IN

WRIT PETITION No. 1062 OF 2011

Smt. Shailaja Prabhakar Khanse and Anr.

...Applicants

Vs.

Subhash Kisan Alias Krishnaji Kanpile

...Respondent

*** * * ***

**Mr. Omkar Gavade i/b. Jaydeep Deo for Petitioner in WP
10622011 and for Applicants in IA 17353/2022**

**Mr. Abhishek Deshmukh for Applicant In 17352/2022 and for
Respondent Nos. 3 and 4 in WP 1062 of 2011.**

Coram : Sandeep K. Shinde, J.

Dated: 25th August, 2022.

P.C. :

1. Petitioner is the Plaintiff in Special Civil Suit No. 214/2003 in the Court of Civil Judge, Senior Division, Pune. Pending Suit, in the month of October, 2010, he requested the Trial Court, that certified copies of four sale deeds dated 3rd May, 1991 be

exhibited, and that too, without leading a secondary evidence. Obviously, application was rejected by the Trial Court on 10th January, 2011. Correctness of that order is questioned, in this petition.

2. On 20th July, 2011 this Court admitted the petition and stayed the suit on Petitioner's insistence. In consequence, the suit is pending before the Trial Court for twenty years. In consideration of this fact, it would be appropriate if the Petitioner-Plaintiff leads secondary evidence to exhibit four sale deeds. In that view of the matter, in case Plaintiff moves an appropriate application, for leading the secondary evidence, the Trial Court shall decide the same in accordance with law, without being influenced by the impugned order dated 10th January, 2011.

3. It is clarified that this Court has not heard the petitioner on merits. With these observations, the petition is disposed of, including all the applications therein. In consideration of the facts of the case, the trial is expedited.

(Sandeep K. Shinde, J.)