

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7065 OF 2022

Chaya (Pita) Ambadas Chambhar @ Waghmare
nee Chaya Vitthal Shiledar

.. Petitioner

Versus

Uddhav (Pita) Ambadas Chambhar @
Waghmare & Ors.

.. Respondents

-
- Mr. Ashok B. Tajane for Petitioner
 - Mr. Sarang Aradhye for Respondent No. 3
 - Mr. Akshar Petkar a/w Mr. Pranav Shah and Mr. Aniket Malu for Respondent No. 7
-

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 21, 2022

P.C.:

1. Heard Mr. Tajane, learned Advocate for Petitioner; Mr. Aradhye, learned Advocate for Respondent No.3 and Mr. Petkar, learned Advocate for Respondent No. 7.

2. Mr. Tajane, learned Advocate for Petitioner submitted that the impugned order dated 22.04.2022 below Exh. 78 rejects the Application filed by Plaintiff (Petitioner herein) under Order XVIII, Rule 17 of CPC for seeking production of documents vide Exh. 73 which was allowed by the learned Trial Court. He submitted that Plaintiff desires to cross-examine Respondent Nos. 3 and 7 who had denied the fact of measurement of property in 2019. The certified copies of these two documents have admittedly been produced on

record. The description of the two documents are given in paragraph No. 2 of the impugned order in Exh. 77 and paragraph No. 2 of Exh. 78. Considering that the certified copies are already on record, Petitioner i.e. Plaintiff shall be at liberty to take out an appropriate Application for issuance of witness summons to the Government Department / Officers for seeking production of the aforesaid documents which admittedly are public documents in accordance with the provisions of the Indian Evidence Act. In the event if any such Application is filed by Petitioner, the same shall be dealt by the learned Trial Court as expeditiously as possible and in any event within a period of four weeks from the date of such Application. Needless to state that the Petitioner shall also serve a copy of such Application taken out by him on the Respondents.

3. All contentions of the parties are expressly kept open in so far as the aforementioned documents are concerned.

4. It is clarified that the learned Trial Court shall not be influenced by any of the observations made in the impugned order in so far as the aforementioned two public documents are concerned.

5. It is further clarified that document No. 1 as seen in Exh. 77 is a substantive document of 45 pages. Hence, whatever is needed to be annexed and marked as a public document shall be marked in evidence by the learned Trial Court after perusing the said documents.

6. It is clarified that all relevant pages forming part of the first document shall be marked by the learned trial Court strictly in accordance with law.

7. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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