

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 11343 OF 2017

Suresh Janardhan Bitla	...	Petitioner
<i>Versus</i>		
Rajendra Tak and Anr.	...	Respondents

Mr. Shrishail Sakhare for the Petitioner.
None for the Respondents.

CORAM: ROHIT B. DEO, J.
DATE : 14th JUNE, 2022

P.C. :-

. It is unfortunate that this petition has seen light of the day for admission after more than 5 years of its filing. What is disconcerting is that even notice is not issued till date. Be that as it may, having heard the learned counsel for the petitioner who is the original plaintiff in Special Civil Suit 449 of 2011, I am not inclined to interfere with the order impugned dated 2nd March, 2017, whereby the Trial Judge permitted the production of two documents and then permitted the plaintiff to cross-examine the witness.

2. It appears that in the suit for possession after the evidence of the plaintiff and the defendant was over, the defendant sought to examine additional witness Mukund Limye. The learned counsel for the petitioner states that Mukund Limye is examined and stage is of final arguments/hearing.

3. It appears that during the cross-examination of the defendant, the plaintiff made references to certain documents and put a specific question to the defendant whether the defendant can produce the documents to which reference is made. The defendant showed willingness to produce the documents and accordingly produced on record the documents referred to supra.

4. The learned Trial Judge was alive to the position of law that production of documents leads to no interference as to the authenticity or relevance or admissibility and has observed that all these questions including evidentiary value can be considered later on. In this view of the matter, I see no prejudice to the plaintiff. Subject to the clarification that other than the authenticity and evidentiary value, the admissibility of the documents shall be looked into, no interference in the order impugned is necessary. The Trial Court is requested to expedite this suit.

5. With the observations supra, petition is disposed of.

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[ROHIT B. DEO, J.]