

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 6234 OF 2022

Mahesh s/o Krushnarao Waghmare

vs.

Harishkumar s/o Mansukhlal Parekh and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Arvind Waghmare, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE J.

DATE : 10/10/2022

The only grievance raised is that though Special Civil Suit No.216/1996 and Regular Civil Suit No.68/1998 were decided by a common judgment dated 02.03.2009 in an appeal, paper book in respect of R.C.S.No.216/1996 was prepared and the plaint, written statement and depositions in respect of R.C.S. No.68/1998 were not added in the paper book. The learned Principal District Judge, Wardha by order dated 15/12/2018 has held that the R & P of the R.C.S.No.68/1998 can be looked into for the purpose of deciding the appeal and there was no need to prepare separate paper book. The grievance is that as a matter of principle the aforesaid documents in R.C.S.No.68/1998,

were necessary to be added in the paper book prepared, as the same was decided by a common judgment.

2. On the above ground, there is no necessity to issue notices to the respondents, as no legal right is being determined and any order passed herein, would not adversely affect them.

3. Though the reasoning by the learned Principal District Judge, Wardha cannot be faulted with, however, since it is argued that it is a matter of principle, the district administration is directed to add the plaint, written statement and deposition in R.C.S.No.68/1998 in the paper book of S.C.S.No.216/1996 so that both the appeals can be decided expeditiously. The same shall be done by 13.10.2022 by the district administration. Copy of this order shall be placed by Mr.Waghmare, learned counsel before the learned Principal District Judge, Wardha to bring it to his notice, for direction needful to be done. Since the matter is already fixed for final disposal, the parties shall address the Court on merits.

4. The writ petition is disposed of as above.

JUDGE