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

WRIT PETITION NO.11002 OF 2022

Babasaheb Charudatta Koruche & Ors ... Petitioners

V/s.

Shobha Shantinath Gath @ Shobha
Charudatta Koruche ... Respondent

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Mr. Kuldeep U. Nikam, for Petitioners.

Mr. Prajakt M. Arjunwadkar, for Respondent.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 6, 2023

P.C.:

1. The petitioners are challenging order passed by the Trial Court directing defendants to produce documents mentioned in the application.
2. The writ petition arises out of a suit for partition where the plaintiff issued notice to defendant No.6 and other defendants under Section 66 of the Indian Evidence Act, 1872 and Order 11, Rule 16 of the Code of Civil Procedure, 1908. Though according to defendants they did not receive the notice; however, the Trial Court recorded a finding that the notice was served on defendant No.6. Notice sent to other defendants is received by the Advocate.
3. The Trial Court, therefore, exercised discretion directing

defendant Nos.1 to 6 & 7 to produce original documents enlisted in the instant application. There is no perversity in the impugned order. In absence of failure of justice or error of jurisdiction, interference under Article 227 of the Constitution of India is uncalled for.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)