

AGK

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

WRIT PETITION NO.7006 OF 2023

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Raghbirsingh Ramsingh Bacher

... Petitioner

V/s.

The State of Maharashtra, through
Public Prosecutor & Ors.

... Respondents

Mr. R.R. Varma with Mr. Sachin Suwase for the
petitioner.

Mr. A.B. Chate, Additional G.P. with Mr. P.G. Sawant,
AGP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 6, 2023

P.C.:

1. The plaintiff in a suit seeking declaration of ownership and possession of the suit property filed an application for issuance of summons to the statutory officers including Court Commissioner. The Trial Court in the impugned order held that the plaintiff is always entitled to apply for certified copies of the documents and produce it before the Court.

2. Considering the nature of reliefs sought by the petitioner, namely, declaration of ownership, crucial document is the sale deed of the suit property which the plaintiff needs to prove. Once such title document is proved, the plaintiff shall be entitled to the relief in the suit. Hence, rejection of application for issuance of

summons to the public officers need not be interfered.

3. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)