



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2792/2023

Sarang V Swati

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

Court's or Judge's Orders

Mr. Virat Mishra, Adv for petitioner.
Mr. N.J. Patil, Adv for respondent.

CORAM : AVINASH G GHAROTE J.

DATE : 05-10-2023

The petition challenges the order dated 21-03-2023 below Exh 48 and application for grant of permission to file documents tendered by the petitioner/plaintiff, during the course of cross examination of respondent/defendant. The application has been rejected by the impugned order which holds that the document is not admissible or relevant. It is a settled position of law that while considering the application for permission to file document, the admissibility or relevance of the document is not required to be taken into consideration and what is required to be taken into consideration is the need for the document to be permitted to be filed on record considering the nature of the lis. In this matter, this is not even the case, for the reason that the document was being sought to be produced for the purpose of confronting the respondent during the course of cross examination, which is a course of action which is permissible under Order 13, Rule 3 (a) of the Code of Civil Procedure.

2. In that view of the matter, the impugned order cannot be sustained and the same is hereby quashed and set aside. The application for production of document is allowed.

JUDGE

Deshmukh