

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

WRIT PETITION NO. 4225 OF 2023

Rajesh Tekchand Jethani __ Vs. __ Sanjay Shenfad Khabutare

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U.J.Deshpande, Advocate for the petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 10/07/2023

1] On an application filed by the plaintiff under Order XVI Rule 6 of the CPC for a direction to the Income Tax Department to produce the Income Tax Return of the defendant on record, the learned Trial Court by the impugned order has held that the purpose of the petitioner/plaintiff would be served by the provisions of Order XI Rules 12 and 14 of the CPC, as the documents are claimed to be of the defendant and therefore obviously are in possession and custody of the defendant.

2] I do not see any reason to differ with the said view. In case the defendant in view of an application under Order XI Rules 12 & 14 of the CPC does not produce on record, then it is always permissible for the plaintiff to take recourse to Order XVI Rule 6 of the CPC. I therefore do not see

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any reason to interfere in the impugned order. The writ petition is dismissed. No costs.

JUDGE

Rvjalit