



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 WRIT PETITION NO. 2531 OF 2024

KETAN RANCHODDAS AHIRE
VERSUS
CHAIRMAN SARVAJANIK SHIKSHAN SAMITI AND OTHERS

Mr. R. R. Sancheti, Advocate for the petitioner
Mr. Mukul Kulkarni h/f Mr. J. R. Shah, Advocate for respondent no.1

CORAM : R. M. JOSHI, J.

DATE : 27th NOVEMBER, 2024

PER COURT :-

1. The original plaintiff in R.C.S. No. 40/1995 has filed this petition taking exception to the order passed below Exhibit 310 moved by defendants for protection of documents i.e. village map and exhibition thereof, as said application came to be allowed.

2. Learned counsel for the petitioner submits that the proceeding in question is filed in the year 1995 and that the evidence of plaintiff was closed on 20/12/2022 and defendants evidence was over on 18/10/2023. It is thereafter the final arguments have started. It is submission that at this stage it was not permissible for the defendants to file an application for production of any document. To support his submission that impugned order is not sustainable, he placed reliance on the judgment of co-ordinate Bench of this Court in *Writ Petition No.*

2718/2019 (Vinayak Ganpatrao Borale and others Vs. Shankar Shriram Tapre and others).

3. Learned counsel for the respondents/original defendants supported the impugned order.

4. Perusal of the judgment (cited supra) indicates that in the said case no written statement was filed by the defendants and therefore, it was held that in absence of filing of any written statement it was not possible for the defendants therein to lead any evidence. In the instant case however, admittedly written statement is filed. Defendants have led evidence. Therefore, said judgment has no application to present case.

5. Now question arises before this Court as to whether it is open for the defendants to place on record any relevant document. The petitioner was unable to show that the document is not relevant nor objection was raised before the learned Trial Court to that effect. The documents sought to be placed on record is village map. Undeniably, it is a public document and could be exhibited without formal proof thereof. This is not the case wherein after the production of the document defendants want to lead any further evidence. Thus, the production of the document cannot be treated as an attempt to delay proceeding nor it

would lead to any delay.

6. In absence of any finding recorded by the Trial Court that the document sought to be placed on record is not relevant, this court finds no reason or justification to cause any interference in the impugned order. While exercising the jurisdiction it is not expected of this Court to cause interference in any order unless perversity is shown therein. Hence, petition stands dismissed.

(R. M. JOSHI, J.)

ssp