



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 6930 OF 2024

Arun Nandlal Agrawal

....Petitioner

VERSUS

Manohar Bhagwandas Agrawal

.....Respondent

.....

Mr. S. P. Shah, Advocate for the Petitioner

CORAM : R. M. JOSHI, J.

DATE : 9th JULY, 2024.

PER COURT :

1. Petitioner is defendant who is aggrieved by order dated 03.02.2024 wherein Plaintiff was permitted to file certified copies of the documents on record and order dated 15.04.2024 passed below Exhibit 78 in Regular Civil Suit No. 101/2020.

2. Learned counsel for Petitioner submits that after the evidence of Plaintiff is over such exercise is sought to be done which is not permissible in law. He further submits that it was open for the Plaintiff to apply for certified copies of the relevant documents with liberty to place them on record before the Court. It is his submission that fact obtainment of certified copies of record becomes doubtful

after the concerned authority refuses before the Court about existence of such documents with them. He further takes exception to non-consideration of relevancy of the document by Trial Court while permitting production thereof.

3. Perusal of the record indicates that the Plaintiff had filed application for issuance of witness summons to the concerned authority for production of documents before the Court. Thus, it cannot be said that Plaintiff has not taken steps to bring documents on record. The contention of learned counsel for Defendant about certified copies being doubtful can be considered at appropriate stage. Suffice it to say that filing of application to the concerned authority for production of said document presupposes that the said documents were relevant for decision of the case. As such, this Court finds no reason to cause any interference in the impugned order for the reason that there is no specific reason recorded with regard to the relevancy of the document. Considering the stage of proceedings and the steps taken by Plaintiff to procure said documents by adopting process of law, order of the Court permitting Plaintiff to file on record certified copies cannot be faulted with. Once the documents are allowed to be placed on record, the Plaintiff would

be at liberty to examine witness to prove documents. Consequently, order permitting plaintiff to lead evidence is correct.

4. In view of above discussion, there is no merit in the Petition. Petition is dismissed accordingly.

(R. M. JOSHI)
Judge

dyb