



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 11686 OF 2024

Hanumandas Dwarkadas Soni
(Deceased through LRs) & othersPetitioners

VERSUS

Sanjay Chothmal Chandak & anotherRespondents

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Mr. M. M. Patil(beedkar), Advocate for the Petitioners.
Mr. S. S. Rathi, Advocate for Respondent No. 1.

CORAM : R. M. JOSHI, J.
DATE : 14th NOVEMBER, 2024.

PER COURT :

1. Learned counsel for both sides are heard for some time.
2. During the course of hearing, it was brought to the notice of the Court that DW 2 Chandrakant Wadekar examined by Petitioners/original Defendants had brought original DP plan. In spite of the said fact, the learned Trial Court has refused to exhibit the documents sought to be placed on record.
3. Learned counsel for Petitioners submits that it was open for the learned Trial Court to compare the plan produced by

Defendants on record with the original plan and on the face of it the document could have been exhibited.

4. Unfortunately, this exercise has not been done by the Trial Court. Without stretching this issue any further, suffice it to say that it is open for the Petitioners to move appropriate application before the Trial Court calling upon the witness to bring the DP plan again before the Trial Court and on comparison of the plan filed on record by the Defendants, appropriate order of exhibit documents can be passed. Hence, Petition stands allowed in aforesaid terms. Order impugned is set aside.

5. Having regard to the nature of dispute, Trial Court is requested to decide the suit expeditiously.

(R. M. JOSHI)
Judge

dyb