

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9956 OF 2024

Gangasagar Revansiddh Kalshetti @ Gangasagar
Kashinath Khedgi

.. Petitioner

Versus

Baslingappa Shivsharan Khedgi and Anr.

.. Respondents

-
- Mr. Drupad Patil a/w. Ms. Shrusthi S. Chalke, Advocates for Petitioner.
-

CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2024.

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner.
2. In the present Writ Petition, the impugned order rejects the Application for seeking filing of an original document on record produced by the Defendant No.2. The said document which is a '*issar pavati*' is referred to and relied upon by the Defendant in support of Defendants' case against the Plaintiff's case in the Suit plaint.
3. Mr. Patil would candidly submit that the Plaintiff did not issue any notice seeking inspection of the documents, which he can still do, if he desires. If the Plaintiff issues notice for discovering and inspection as available to him under the CPC, it is the duty of Defendants to give inspection of the original document which the Defendants seek to refer to and rely upon. If any such notice is given

to the Defendants, Defendants shall give inspection of the original document to the Plaintiff. Save and except the aforesaid issue, there is no other issue that is required to be considered and decided in the present Writ Petition.

4. Since by virtue of the impugned order dated 19.03.2024, Application below Exhibit “21” is rejected, liberty is given to the Writ Petitioner to file a fresh Application, if the occasion so arises. While sustaining the impugned order dated 19.03.2024, the Writ Petition is disposed of by issuing a clarification that if Defendant No.2 does not give inspection of the original document to Plaintiffs, then the Plaintiffs shall be at liberty to file an appropriate Application as permitted by this Court.

5. Needless to state that, if a fresh Application is filed and the Defendants do not give inspection of the original document to the Plaintiff, the learned Trial Court shall decide the said Application on its own merits without being influenced by any of the observations and findings returned in the impugned order and this order.

6. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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