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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3417 OF 2024

Akwant Kaur Sekhon

.. Petitioner

Versus

Deepak K. Nanwani and Ors.

.. Respondents

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- Mr. S.G. Deshmukh a/w. Ms. Dipti Jadhav i/by Mr. Abhijeet J. Kandarkar, Advocates for Petitioner.
 - Mr. Ganesh Bhujbal, Advocate for Respondent Nos.1, 4, 5 and 7.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 11, 2024.

P.C.:

- 1.** Heard Mr. Deshmukh, learned Advocate for Petitioner and Mr. Bhujbal, learned Advocate for Respondent Nos.1, 4, 5 and 7.
- 2.** Writ Petition takes exception to the order dated 05.01.2024 passed by the learned Trial Court in Application below Exhibit “151” in Regular Civil Suit No.233 of 2014 which is at Exhibit “G” - page No.64 of the Writ Petition.
- 3.** Plaintiff filed the Application seeking to exhibit two specific documents namely the letter dated 07.01.2014 addressed by the Plaintiff to the Collector and the certified copy of Mutation Entry No.16584 which enures to the benefit of the Plaintiff.

4. Mr. Deshmukh, learned Advocate for the Petitioner / Plaintiff would submit that certified copy of the Mutation Entry has been taken on record and has been given a further exhibit number. However, the letter dated 07.01.2014 which has been addressed by the Plaintiff to the Collector on being apprised of the above Mutation Entry carried out behind the Plaintiff's back has not been taken on record only on the account of delay in filing the said document. I have perused the impugned order dated 05.01.2024. Paragraph No.3 of the said order records that Plaintiff has not given any cogent reason for the delay and therefore the said letter has not been taken on record. That apart, the other reason given by the learned Trial Court is that the said letter ought to have been filed earlier by the Plaintiff and if the said letter is taken on record, the matter will have to be kept for cross-examination of the Plaintiff. On reading the impugned order dated 05.01.2024, it is seen that once the certified copy of the Mutation Entry No.16584 has been taken on record, the matter even otherwise will have to be placed for cross-examination of the Plaintiff. The letter dated 07.01.2014 is with respect to the very same Mutation Entry addressed by the Plaintiff to the Collector when the Plaintiff learnt about the said mutation having been carried out behind her back. It also bears the stamp of the Collector's office. It refers to the said alleged Mutation Entry itself. Merely because the matter is old and pending since the year 2014, it cannot be the reason to deny the Plaintiff to place on record the

relevant documents which may enure to the benefit of the Plaintiff.

5. In that view of the matter, the impugned order dated 05.01.2024 to the extent of the letter dated 07.01.2014 stands modified and it is directed that the letter dated 07.01.2014 shall be taken on record and shall be given a fresh exhibit number by the learned Trial Court. Thereafter the learned Trial Court is directed to keep the proceedings for cross-examination of the Plaintiff's witness on the aforesaid two documents in accordance with law and fix the further dates.

6. To the above extent, the impugned order dated 05.01.2024 stands modified and rest of the order in so far as the certified copy of the Mutation Entry is concerned, the said order shall remain as it is.

7. Mr. Bhujbal, learned Advocate appearing for Respondent Nos.1, 4, 5 and 7 i.e. Defendants before the Trial Court is permitted to file his Vakalatnama within a period of one week from today. Registry of this Court is directed to accept the said Vakalatnama.

8. I have also heard Mr. Bhujbal as also his objections to the impugned order dated 05.01.2024. However, in the interest of justice, the reasons given by the learned Trial Court for rejection and the request made by the Plaintiff for exhibiting the letter dated 07.01.2014 are not countenanced by this Court and therefore the impugned order dated 05.01.2024 stands modified as stated above.

9. However, at the joint request of the learned Advocates, considering that the Suit has been filed in the year 2014 and has remained pending, the learned Trial Court is requested by this Court to dispose of the Suit proceedings as expeditiously as possible and in any event preferably within a period of three (3) months from today.

10. It is clarified that the learned Trial Court shall not grant any unnecessary adjournments to the parties unless if it is utmost necessary due to any emergency / exigency.

11. Parties are directed to cooperate with the Trial Court for expeditious disposal of the Suit proceedings.

12. All contentions of the parties are expressly kept open before the learned Trial Court.

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

[MILIND N. JADHAV, J.]

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Date: 2024.03.11
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