

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 560 OF 2024

Smt. Ratnaprabha Parshuram Rajeshirke
Through POA holder

Mr. Sanjay Parshuram Rajeshirke

.. Petitioner

Versus

N/s. Orchid Associates & Ors.

.. Respondents

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- Mr. Ajinkya M. Udane, Advocate for Petitioner.
 - Mr. P. P. Pujari, AGP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 17, 2024

P.C.:

1. Heard Mr. Udane, learned Advocate appearing for the Petitioner and Mr. Pujari, learned AGP for the State.

2. The Writ Petition takes exception to the order passed below Exhibit-X, at page No.260 which is order passed below Exhibit-107 in Regular Civil Suit No.757 of 2013. Plaintiff who is Petitioner before me filed the aforementioned Application seeking a direction to the Defendant No.1 who is the adjacent landholder for producing 19 sale deeds which are delineated in the Application.

3. Mr. Udane would submit that these sale deeds and development agreements have been executed by the predecessor-in-title of Defendant No.1. He would submit that during the course of pendency of the aforementioned application, the documents

mentioned at serial Nos.1 to 5, 8, 9, 12, 14 to 17 are produced on record. He has drawn my attention to paragraph No.6 of the order wherein it is recorded that according to both the parties, parties are in possession of their respective areas. However, he would submit that substantial portion of Plaintiff's property stands unaccounted for in view of the development carried out on the adjacent property and in order to ensure reconciliation of the areas of the respective parties Application below Exhibit-107 was filed by Plaintiff. Perusal of paragraph No.6 reveals that the learned Trial Court has recorded that the concerned documents are all registered instruments and in that view of the matter, Plaintiff can always obtain certified copies of these documents and therefore Application is rejected.

4. It is seen that suit is almost 10 years old. There is also no dispute about the fact that the documents, save and except the above quoted 12 documents, have been produced and the same is noted in paragraph No.4 of the impugned order. The documents / sale deeds which are not produced can be obtained by the Plaintiff from the concerned Sub-Registrar / Competent Authority where they are registered.

5. After hearing Mr. Udane for sometime and perusing the impugned order, it is directed that the Plaintiff if so desired is permitted to make an Application for seeking certified copies of the

registered instruments i.e. documents which form part of his Application filed below Exhibit-107 which are not produced on record, to the concerned Sub-Registrar / Competent Authority. Mr. Udane after taking instructions would submit that such Application shall be filed by the Plaintiff within a period of two weeks from today. If such Application is filed before the concerned Sub-Registrar / Competent Authority, the said Sub-Registrar / Competent Authority is directed by this Court to give certified copies of the said documents to the Plaintiff after following the due process of law and strictly in accordance with law so as to enable the Plaintiff to produce the same in the suit proceedings before the learned Trial Court. The documents shall be given to the Plaintiff within a period of four weeks at the highest by the concerned Sub-Registrar / Competent Authority from the date of making of the Application by the Plaintiff.

6. With the above observations, the impugned order dated 17.11.2021 is upheld.

7. At the request of Mr. Udane, considering that the suit is filed almost a decade ago, the learned Trial Court is directed by this Court to expedite hearing of Regular Civil Suit No.757 of 2013 as expeditiously as possible and preferably within a period of 12 months from today at the highest. Parties to the Suit are directed by this Court not to seek adjournments and the learned Trial Court shall not give

unnecessary adjournments to the parties unless absolutely necessary.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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