

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6223 OF 2024

Gajanan Bhausingh Pardeshi

.. Petitioner

Versus

Sahebrao Ramchandra Jadhav and Ors.

.. Respondents

-
- Mr. Amol Wagh i./by Mr. Sagar Kasar, Advocate for Petitioner.
-

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 06, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Wagh, learned Advocate for Petitioner.
- 3.** Perused the praecipe dated 06.08.2024 and the Writ Petition.
- 4.** As usual this is a one more Writ Petition which seeks issuance of witness summons to a statutory officer of the State Government. The case before me is bizarre.
- 5.** The Writ Petitioner before me is the Defendant No.1. By Application filed below Exhibit-144 in Regular Civil Suit No.206 of 2012 he has sought issuance of witness summons to the Talathi as also Sub-Registrar of Assurance, *inter alia*, seeking a direction that they should remain present in Court and bring with them documents recording mutation entry in respect of Gat No.293 which probably is

the suit property and copy of Will dated 25.11.2008, the sale deed dated 15.03.2007, a gift deed dated 21.10.2008 and another sale deed dated 24.11.2004.

6. *Prima facie*, on reading the impugned order it is clear that all aforesaid documents are registered documents and in so far as the revenue record is concerned pertaining to the mutation entry, the same is also available either online or on making requisite application to the concerned Authority. Learned Trial Court after considering the requisition made by Writ Petitioner – Defendant No.1 has returned cogent findings in paragraph No.6 of the order dated 23.11.2023 which cannot be interfered with. Even otherwise this Court deprecates the practice of issuing witness summons to the statutory officers with respect to providing public documents. In respect of mutation entry, the same is available online as entire record and revenue entries of land in this State has been digitalised.

7. When this Court asked a question as to whether Defendant No.1 has made an application to the concerned authorities, the answer given is that the requisition is made through a criminal complaint which is filed and appended to the Writ Petition. There is no averment with respect to any application having been made and that is been held against the Petitioner while determining the application below Exhibit-144. Learned Trial Court has held that certified copy of mutation entry

is a public document and that they are available on payment of requisite fees.

8. In view of the above, I do not find any reason to the interfere with the order dated 23.11.2023. In so far other documents are concerned, Petitioner shall be free to apply for certified copy of the same which shall be proved as public document under Section 62 of the Indian Evidence Act, 1872.

9. Mr. Wagh would submit that Petition should not be dismissed today as he would like to take appropriate instructions from the Petitioner.

10. At the request of Mr. Wagh, list the Writ Petition on **13th August, 2024**. To be listed under the caption of '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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