



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.927 of 2024

GAJANAN S/O GULABRAO GHENGE

VS

SHRIKRUSHNA S/O SARANGDHAR GAWANDE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Girdekar, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATED : 09.02.2024

1. Heard.
2. The order dated 20.12.2023 passed below Exh.59 passed by the Civil Judge Junior Division, Balapur in Regular Civil Suit No.18 of 2018, rejecting the application moved by the petitioner for direction to produce the documents, is under challenge in this petition.
3. The present petitioner is the original defendant and during the cross examination of the plaintiff/respondent, he stated that he maintains the accounts of the field and thereupon, the defendant moved an application for direction to produce such accounts in the Court.
4. The said application was rejected on the ground that the suit is for permanent injunction and such order, directing the plaintiff to produce the accounts, cannot be passed.
5. The impugned order cannot be termed as adverse to the interest of the petitioner for the reason that, if the plaintiff in his

cross examination states that he maintains the accounts and if he does not produce it in the cross-examination, the Court at the time of final decision may take decision, whether to discard or accept such oral version, which has been stated without producing the documents.

6. In the circumstances, as the said order cannot be termed as adverse to the interest of the petitioner, I do not want to interfere with the impugned order. Accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]