



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 WRIT PETITION NO. 10203 OF 2025

MEENADEVI RADHAKISHAN AGARWAL AND ANOTHER
VERSUS
RAM PANDHARINATH BIRADAR

Ms. K. S. Bhale, Advocate for the Petitioners

CORAM : R. M. JOSHI, J.

DATE : 18th AUGUST, 2025

PER COURT :-

1. This Petition takes exception to the order passed below Exhibit 18 in R.C.S. No. 388/2022, whereby the Application filed by Defendant calling upon Plaintiff to produce his title deed is allowed.
2. The Plaintiff filed suit against the Defendant claiming that he is owner of Survey No. 23. It is alleged that the Defendant is adjoining land owner and since he is causing obstruction to the Plaintiff's possession over the suit property, injunction is sought.
3. Defendant filed written statement denying the contention of the Plaintiff. He specifically pleads the boundaries of Survey No. 23. There is a denial of causing obstructions to the Plaintiff's possession over the suit property though the title of the Plaintiff is disputed.
4. In the light of this fact, Application (Exhibit 18) came to be

filed seeking direction to the Plaintiff to produce his title document in respect of the suit property on record. Pertinently, the Plaintiff in response to the said Application has not claimed that the such document does not exists on the contrary its stated that Defendant can produce the said document by obtaining certified copy thereof from the office of Registrar. Further there is no denial made of the fact that this document is relevant to the decision of the case.

5. Trial Court by passing impugned order allowed the Application by directing cost of Rs.500/- to be paid to the Plaintiff.

6. Learned Counsel for the Petitioner submits that the order is passed by the Trial Court without considering the fact as to the burden of proof these are submissions that before even issues are framed, such Application came to be filed and entertained.

7. At the outset it needs to be recorded that the when the Application (Exhibit 18) came to be filed for seeking direction to produce title document in respect of Survey No. 23, Plaintiff does not deny such document nor claims that the said document is irrelevant for decision of the case. Once these two aspects are not in dispute, it needs to be held that the document is relevant for the decision of the case. In such circumstances, the order impugned passed by the Trial court cannot be

called as perverse to cause interference therein.

8. Hence, Petition stands dismissed.

(R. M. JOSHI, J.)

ssp