



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13989 OF 2021
IN FA/1117/2006**

Sardar Harjeet Singh S/o Sardar Tirath Singh Sawhney

Versus

Sardar Paramjeet Singh S/o Sardar Tirath Singh Sawhney And Anr

.....

Advocate for Applicant : Mr.Sardar Harjeet Singh (Party-In-Person)

Advocate for Respondent no.1 : Mr. A.R.Rathod

AGP for Respondent no.2 : Mr.S.P.Joshi

.....

WITH FIRST APPEAL NO. 1117 OF 2006

WITH FIRST APPEAL NO. 1708 OF 2022

WITH CIVIL APPLICATION NO. 10733 OF 2022 IN FA/1708/2022

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 22 SEPTEMBER 2025

PER COURT :-

1. The applicant/appellant, who has instituted First Appeal Nos.1117 of 2006 and 1708 of 2022, has moved this Civil Application No.13989 of 2021 with following main prayer :

(B) The original exhibited documents below Exhibits 6, 10, 19, 27, 60, 65 and 68 signed by the respondent no.1 Paramjit Singh, may kindly be given to the Applicant to present the same in the court proceedings of Special Civil Suit No.409/2008 for getting the opinion of hand-writing-expert by comparing it with disputed Gold Receipt dated 17-11-1993 executed by respondent no.1 in the interest of justice.

2. Learned Party-in-person points out that above First Appeal

Nos.1117 of 2006 and 1708 of 2022 have been filed in this Court arising out of judgment and order dated 25-04-2003 passed by the 2nd Jt. Civil Judge (S.D.), Aurangabad in M.A.R.J.I. No.218 of 1996 and judgment and order dated 27-06-2022 passed by the 9th Joint Civil Judge, Senior Division, Aurangabad in Civil M.A. No.1084 of 2010 respectively. He points out that, First Appeal no.1117 of 2006 is already “admitted”. He further points out that during the pendency of First Appeals before this Court, present respondent no.1 instituted Special Civil Suit No.409 of 2008 before the Civil Judge, Senior Division, Aurangabad, for partition and separate possession of Gold and Silver ornaments of deceased Gurbachan Karu w/o Tirath Singh Sawhney. That, said suit was resisted by present applicant by tendering written statement. He further submits that, present applicant instituted MARJI No.218 of 1996 and moreover, respondent no.1 refused to lead evidence in the said proceedings.

3. Learned Party-in-person further points out that, in above mentioned Civil Suit No.409 of 2008, present applicant had filed application below Exhibit 118 to send Gold receipt dated 17-11-1993 executed by respondent no.1 Paramjit Singh along with exhibited documents to hand-writing expert and to seek his opinion. He submits that said application is allowed and copies of application

and order are placed on record. He further points out that documents as called by the hand-writing expert were sent, however, a letter was received from said hand-writing expert calling original documents signed by present respondent no.1 and therefore, he points out that learned trial Court was pleased to pass order dated 11-11-2021 on application Exhibit 120 directing the concerned to comply immediately.

4. Learned Party-in-person points out that in compliance of above order of the learned trial Court, the applicant undertook search of the documents in Record and Proceedings of MARJI No.218 of 1996, but it was revealed to him that in MARJI No.218 of 1996, original documents are exhibited as Exhibits Nos.6, 10, 19, 27, 60, 65 and 68, which are under the signature of respondent no.1. That, now during the pendency of the First Appeals, said documents are in the original Record and Proceeding of MARJI No.218 of 1996. Hence, the above prayers.

5. Learned counsel for the respondent no.1 strongly opposed the Civil Application No.13989 of 2021 on the ground that applicant cannot seek documents filed by the present respondent no.1 in the MARJI No.218 of 1996 and he has to take appropriate steps before

the lower Court itself.

6. After perusing the record, it appears that First Appeal No.1117 of 2006 is already “admitted” and pending decision before this Court. Now, prayers are raised that in MARJI No.218 of 1996, aforesaid exhibited documents have been tendered and those documents are part of original record. Learned Party-in-person has pointed out that in compliance to the order of the learned Trial Court, the said documents are necessary. There is no provision for returning of documents during pendency of admitted appeal before this Court.

7. Applicant is Party-in-person and he might not be aware of the procedure. In view of prayers raised before this Court, proceedings for return of documents is required to be initiated in trial Court and not in First Appeal before this Court. Therefore, Record and Proceedings along with MARJI No.218 of 1996 be despatched to the learned trial court forthwith. Intimation of receipt of Record and Proceedings be given by the learned trial Court to the applicant/Party-in-person to enable him to apply for required documents as per Rules and Procedure.

8. Learned Trial Court to see that above Record and Proceedings

is sent back to this Court within a period of two months from above exercise or immediately after application of present applicant has been decided by the learned trial Court.

9. Accordingly, Civil Application No.13989 of 2021 is disposed of.

10. Stand over to 04-12-2025. Interim relief, if any, to continue till next date.

[ABHAY S. WAGHWASE, J.]

SPT