

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1131 OF 2025

Dilip Sadashiv Kadam (deceased)
Thr. Legal Heirs
VS.
Sayaji Sadashiv Kadam and Ors.

...Petitioner
...Respondents

Mr. Rishikesh A. Mohite for the Petitioner (through VC).

CORAM : N. J. JAMADAR, J.
DATE : 27 JANUARY, 2025

P.C:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to the order passed by the Learned Civil Judge, Senior Division, Kolhapur rejecting the application to summon the record and proceedings of Tenancy Case No. 4 of 1997 from the office of the Tahasildar. By the impugned order, the Learned Civil Judge was persuaded to reject the application observing, inter alia, that the certified copies of the said proceedings are already on record, and the original record and proceedings of the tenancy case was not necessary for the determination of the suit.
3. The petitioner has instituted a suit for partition and separate possession of the suit property. The Civil Judge has categorically recorded that for determination of the issues in the

suit for partition, the record and proceedings of Tenancy Case No.4 of 1997 is not necessary.

4. Having regard to the issues which arise in the suit for partition, the prayer of the petitioner to summon the record of Tenancy Case No.4 of 1997 appears to be wholly unsustainable. The Learned Judge has correctly exercised the discretion not to summon the record.

5. The Petition disposed.

(N. J. JAMADAR, J.)