

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2764 OF 2025

Chitra Anurag Chaudhary & Anr.

...Petitioners

Versus

Mr. Namdeo Narayan Phatak & Ors.

...Respondents

Mr. Swarnendu Chetterjee a/w Wasim Beg, Chaula Solanki, Rinky Kanojia, Sajid Hussain, Lekha Srigarla & Jagriti Vij, for Petitioner.

Ms. T. J. Kapre, AGP for State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 26 MARCH 2025

P.C.

1. On 13 March 2025 we had passed the following order on this petition :

"1. We have perused the report of the learned Incharge Principal District Judge as forwarded to the Registrar (Judicial – I) vide letter dated 7 March 2025. It appears that the proceedings of Special Civil Suit No.2168 of 2008 are not being found in the office of the learned Civil Judge, Senior Division and the search was being conducted till 7 p.m. on 7 March 2025. Learned Incharge Principal District Judge has accordingly sought further extension of time of 15 days to enquire into the issue and submit a report and an appropriate action to be taken.

2. We accordingly list the proceedings on **26 March 2025**, awaiting the further report from the Incharge Principal District Judge, Pune.

3. However, such loss of record of the original proceedings cannot delay the adjudication of the Regular Civil Appeal No.558 of 2015. Accordingly, we permit the petitioner to file a private paper-book with a copy to be furnished to the other side and on consensus on such paper-book being reached, the learned District Judge-14 and Additional Sessions Judge, Pune, shall proceed to adjudicate the Regular Civil Appeal No.100558 of 2015.

4. This order be placed before the learned Incharge Principal District and Sessions Judge, Pune, so that private paper book by consent of the parties can be taken on record and the matter can be proceeded for adjudication. Learned District Judge-14 is also directed

to make a search in the Registry of the District Court whether in view of the pendency of the appeal in question, the papers are received by the Registry of the District Court and misplaced, as also simultaneously let a search be also undertaken in the office of the learned Civil Judge, Junior Division, so that once the reports are received from both the said offices, the learned Principal District Judge takes further appropriate action.

5. Accordingly, list the matter on **26 March 2025**."

2. We are informed that the record is now reconstructed and private paper books are already circulated and they are on the record of the learned District Judge, who is hearing Regular Civil Appeal No. 100558 of 2015. However, insofar as the record which is not found is concerned, let the Principal District Judge – 14 look into the issues as to how the record was misplaced and an appropriate action be taken in accordance with law, if it is found that certain officials of the Registry were not diligent in maintaining the record.

3. In this view of the matter, we leaving the issue to the Principal District Judge and of which a report be made to the Registrar (Judicial) within a period of one month from today.

4. We are inclined to dispose of this petition, as the appeal in question is pending for a period of more than ten years. The Learned District Judge - 14 is directed to dispose of the appeal as expeditiously as possible and in any event, within a period of six months from the day a copy of this order is presented before the Court. All contentions of the parties on the pending proceedings are expressly kept open.

5. Disposed of. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)