



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

WRIT PETITION NO.6297 OF 2025

M/S. SHANKARLAL SATYANARAYAN, THR. ITS PARTNER, VINOD
SATYANARAYAN LOHIA, AKOLA AND OTHERS

VERSUS

THE AKOLA URBAN CO-OP. BANK LIMITED, AKOLA, THR. ITS BRANCH
MANAGER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.B. Mohta, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 15th OCTOBER 2025

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 18.09.2025, passed by the executing court in Special Darkhast No.56 of 2012, thereby allowing the decree holder to file on record certain documents as per list.
3. The petitioners are the judgment debtors in the execution proceedings bearing Special Darkhast No.56 of 2012. Learned Advocate for the petitioners submits that the decree holder had filed an application on 18.09.2025, for permission to file documents as per list. On this application, the executing court has passed an order on the same day as "Allowed". The petitioners have grievance against this order and the same is impugned in the instant petition. Learned Advocate for the petitioners submits that this is an unreasoned order and relies on the judgment of this Court in Criminal Writ Petition No.616 of 2022, dated 23.11.2022 and submits that this Court has,

while dealing with an application for permission to file documents, observed that the trial court should have passed a speaking order while allowing the application for permission to file documents. It is pertinent to note that this was an observation of this Court while deciding a criminal writ petition arising out of proceedings under Section 138 of the Negotiable Instruments Act and in that case, there was a detailed reply on record. The said judgment is of no assistance to the petitioners in this case.

4. A perusal of the application filed by the decree holder in the execution case shows that the execution case was fixed for hearing on an application for dismissal of Darkhast proceedings, which was filed by judgment debtor No.4 and at that stage, the decree holder prayed for filing certain documents on record as per list. It appears that the executing court has only allowed the production of documents. As such, even if the documents are permitted to be placed on record, the judgment debtors are entitled to raise their submissions or objections with respect to those documents. No prejudice is demonstrated on account of allowing the decree holder for filing documents on record.

5. In view of this, no indulgence is warranted under Article 227 of the Constitution of India and the writ petition is accordingly dismissed.

(PRAFULLA S. KHUBALKAR, J.)