

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4601 OF 2026

Sushilkumar Parasmal Kucheriya

VERSUS

Vijaykumar Basantlal Kucheriya And Another

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Advocate for the Petitioner : Mr. A.P. Sonpethkar h/f Mr. Sonpethkar
Pradip Narayanrao

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 29, 2026

PER COURT :-

1. The petitioner is original defendant in R.C.S. No.250 of 2015. The suit was filed for perpetual injunction in respect of Gat No.84 situated at Mirzapur, Taluka and District Parbhani. The suit came to be dismissed vide judgment and decree dated 10.02.2020. The respondents filed R.C.A. No.29 of 2020 before District Judge, Parbhani and same has been dismissed on 29.01.2024. Admittedly, no further appeal is filed before this Court and no proceeding in subject matter is pending before any other Court.

2. During course of suit, petitioner had filed consent deed along with suit and same was given Exhibit-66. On conclusion of proceeding in suit as well as appeal, petitioner filed an application for return of documents with undertaking that certified documents may be taken on record in lieu of original document. The Trial Court rejected application firstly on the ground that petitioner has already

received certified copies of documents and other side has disputed said documents to be forged. However, it is not discernible from order as to whether any action is proposed against any of the party for production of forged documents on record of Court. Only because one of the party took a defence in respect of said documents to be forged, Court cannot have lien over original documents and party who has produced it on record is definitely entitled for return of said documents. Perusal of judgment of Trial Court in suit as well as Appellate Court nowhere suggest that finding regarding genuineness or otherwise of said document is recorded by Courts. There is no valid reason for withholding of documents.

3. In result, writ petition is allowed in terms of prayer clause (B). The document Exhibit-66 be returned to petitioner after getting certified copies on record with further undertaking of petitioner that he shall produce original documents, in case it is required by Court in future.

(S.G. CHAPALGAONKAR, J.)