



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4243 OF 2026**

K K TRADERS THROUGH PROPRIETOR
VERSUS
PRAMOD SHANTILAL JAIN CHHAJED

...
Mr. Jayant Ramanlal Shah, Advocate for the Petitioner.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st APRIL, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 07.02.2026 passed below Exhibit-48 by Civil Judge Senior Division, Nandurbar in Special Civil Suit No.1/2018.
2. The petitioner is plaintiff in Special Civil Suit No.1/2018. The suit has been filed for recovery of an amount of business transactions between parties relating to supply of food grains on credit. When suit was posted at stage of evidence and petitioner/plaintiff was to be cross-examined, he noticed that original bills regarding transactions which are pleaded in plaint were inadvertently not produced on record. Therefore, he filed application Exhibit-48 praying to exhibit documents instead of asking permission to produce same. The Court considered application Exhibit-48 as per prayer in application and observed that since plaintiff's evidence is still going on, he has every opportunity to prove documents and get it exhibited.

3. Mr. Shah, learned Advocate appearing for petitioner submits that petitioner ought to have given permission to produce documents and then to lead necessary evidence to prove it in trial of suit.

4. If documents in question are already pleaded in suit, there could not have been any impediment for production of documents. The proof of documents is distinct stage, at which plaintiff is required to adduce necessary evidence to establish contents of documents and have them exhibited or admitted in evidence. At this stage Mr. Shah restricts prayer for production of documents. However, from perusal of application Exhibit-48 and prayers therein it is discernible that petitioner prayed for exhibiting documents and not for permission to produce documents.

5. In that view of matter, Writ Petition can be disposed of by innocuous order permitting petitioner to file fresh application seeking leave to produce documents. In the event such application is filed, Trial Court shall consider it in accordance with law without impeded by impugned order. If Court permits production of documents, petitioner shall be at liberty to lead evidence to prove same in accordance with law.

6. In result, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE