



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

WRIT PETITION NO.3005 OF 2026

YASH PRAFUL GANATRA
VERSUS
SAU. MITA ASHOK SEJPAL AND ANOTHER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. H.R. Gadhia, Advocate for Petitioner.
Mr. M.G. Sarda, Advocate for Respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 15th APRIL 2026

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 06.01.2026, at Exhibit 83, passed by Civil Judge Senior Division, Khamgaon, rejecting the application under Order XI Rule 12 and 14 of the Code of Civil Procedure, 1908 (for short, "C.P.C."), for directing the plaintiffs to produce the documents mentioned in the application.
3. The petitioner is original defendant No.1 in the suit filed by the respondents, seeking permanent and mandatory injunction along with damages. The defendants have filed their written statement and at the stage of evidence, defendant No.1 filed an application under Order XI Rule 12 and 14 of C.P.C., for direction to the plaintiffs to file several documents on record, which are

elaborately mentioned in the application. The application was opposed by the plaintiffs and it came to be rejected by the order dated 06.01.2026, which is subjected to challenge by way of instant petition.

4. Learned Advocate for the petitioner submits that the petitioner, who is original defendant No.1, has prayed for production of several documents including the account books, ledger/cash books, balance sheets of the plaintiffs and their business for relevant financial years 2014-15 to 2019-20 and several such bank documents to prove their case that the plaintiffs were not in a position to pay an amount of Rs.2,00,20,000/-, which is mentioned in the sale-deed dated 25.07.2018. He submits that the documents are necessary for deciding the actual controversy involved in the suit, as an issue about ownership of the suit property is also framed by the trial court. He, therefore, submits that in view of the issues framed, the question of title is likely to be decided and therefore, production of these documents is necessary for deciding the actual controversy involved in the suit.

5. A perusal of the impugned order reveals that the trial court has rejected the application by observing that the defendants have not pleaded anything about these contentions in their written statement. The trial court has further observed that, in view of the controversy raised on the basis of pleadings of the parties, wherein sale-deed is not in dispute, the question as to how the consideration

was paid by the plaintiffs could not be raised by the defendants at this stage. It is also observed that the defendants are entitled to lead their evidence and conduct cross-examination on their defence. By recording these reasons, the trial court has rejected the application.

6. It has to be noted that the plaintiffs' suit is for permanent and mandatory injunction. It is for the plaintiffs to prove their case. The defendants have called upon the plaintiffs to produce several documents, which are related to financial position of the plaintiffs including the account books, ledger/cash books, balance sheets of the plaintiffs and their business for relevant financial years 2014-15 to 2019-20 and bank statements, which cannot be considered to be necessary for deciding the plaintiffs' case for grant of injunction. The defendants are entitled to prove their defence on the basis of their documents.

7. A perusal of the impugned order reveals that the trial court has given due consideration to all the relevant factual and legal aspects. The trial court has recorded plausible reasons while rejecting the application, which do not show any perversity in the impugned order. The writ petition is, therefore, dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)