

Order below Exh.112 in RCS No.101/2018

By this application plaintiff has sought adjournment on the ground that he is intending to challenge the order passed by this Court at **Exh.104** before Hon'ble Bombay High Court, Bench at Aurangabad and thus, he requires a period of 15 days for the same. Defendants failed to file their say though repeatedly called till 12.40 pm. Perused application. Heard Ld. Advocate for plaintiff. Record shows that the application filed by plaintiff at **Exh.95** for issuing witness summons to the officer of defendant No.1 for producing the original letters dated 08/06/2018 and 04/08/2018, came to be rejected for the reasons mentioned in it and *vide* order dated 06/11/2025. Record further shows that the application filed by plaintiff at Exh.104 under Order XI Rule 14 to 16 came to be rejected by order dated 13/11/2025. While deciding the application at Exh.104 this Court has clearly observed that the suit is pending since year 2018 and till date, plaintiff has made no efforts for production of documents from the custody of defendant No.1. Had plaintiff been serious in seeking production of these documents, then he could have moved an application before defendant No.1, as it is a public office, and could have obtained certified copies of those documents. This Court has further observed that plaintiff is intending to prolong the matter by moving one application after another and it may be difficult for this Court to decide the suit on or before 31/12/2025 towards compliance of order dated 01/10/2025 passed by Hon'ble Bombay High Court, Bench at Aurangabad in W.P No.10598/2018.

2) It is settled position of law that a aggrieved party has every right to approach Appellate Court against any order passed by a Subordinate Court. By applying this principle, I am of the view that short time needs to be granted to plaintiff to approach Hon'ble Bombay High Court, Bench at Aurangabad against order passed at Exh.104. While doing so, the conduct of plaintiff and the directions issued by Hon'ble Bombay High Court, Bench at Aurangabad in W.P No.10598 of 2018 cannot be neglected and for that purpose it is necessary to impose condition upon plaintiff. Hence, I pass following order :-

Order

1. Adjournment is granted till next date subject to filing copy of the petition preferred by plaintiff before Hon'ble Bombay High Court, Bench at Aurangabad against the order passed by this Court at **Exh.104**.
2. No order as to costs.

Date : 14/11/2025

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar

