

MHAU130000532021



**Order below Exh. 40**

1. Present application is made by the plaintiff society for issuance of summons to produce documents. Read the application and reply of defendant corporation. Heard.
2. Ld. Advocate for the plaintiff society submitted that, it is the case of plaintiff society that the layout plan in survey No. 52/1 and 19/1 situated at Garkheda was duly sanctioned by the Town Planning authority of defendant corporation. An order of sanctioning said plan and its layout map is in the custody of Deputy Director, Town Planning and Valuation Department of the defendant corporation. Therefore, it is necessary to issue summons to said witness for production of the documents.
3. Ld. Advocate for defendant corporation opposed the application on the ground that, the plaintiff can obtain certified copies of said documents.
4. It is seen that, the suit is posted for evidence of plaintiff. The plaintiff has setup a case that a portion of land bearing survey No. 19/1 was owned and possessed by Sk. Osman Sk. Raheman and the portion of land bearing survey No.52/1 was owned and possessed by Sk. Hamid Sk. Bhikan. According to him, a combine layout plan consisting 62 plots on said land was sanctioned by the Town Planning Authority. This material proposition is denied by the defendants No. 1 to 4. In such circumstances the burden of proof lies on the plaintiff to prove this fact. However, the certified copies of said record can be obtained by the plaintiff for its production in this suit. In

such circumstances, it is not desirable to issue summons for its production to the concerned public servant. Hence, I pass the following order.

**ORDER**

Applications stands rejected.

Date :- 30.07.2024  
Place :- Aurangabad.

(Shri. N. H. Tikhe)  
Civil Judge Senior Division  
(Corporation Court), Aurangabad.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: S.D.Chavan
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 30.07.2024
Order signed by the presiding officer on	: 30.07.2024
Order uploaded on	: 30.07.2024