

MHAU130000712017



ORDER BELOW EXH. 24 IN Spl.C.S.No. 04/2017
(Ajintha Vs. MCA)

1. Plaintiff has filed this application for calling of original record of Spl.C.S.No.14/13 which is in between the same parties which is decided by this court on 03-03-2021. Plaintiff has submitted he has filed various important and original documents in said case. Said documents are necessary for just decision of this case. Hence plaintiff has prayed that original record of Spl.C.S.No.14/13 be called.

2. Defendant has given hand written say that plaintiff can withdraw original documents filed in Spl.C.S.No.14/2013. Plaintiff has filed this application just to prolong the proceeding. Hence this application is liable to be rejected.

3. I heard learned counsel for parties.

4. I perused this application and say submitted. **I perused O.13 R.10 of C.P.C., sub rule 2 of C.P.C.,**

As per O.13 R.10 of C.P.C., sub rule 2 of C.P.C."Every application made under this rule shall (Unless the court otherwise directs) be supported by an affidavit showing how the record is material to the suit in which the application is made, and that the applicant can not without unreasonable delay or expense obtain duly authenticated copy of the record or of such portion thereof as the applicant requires or that the production of the original is necessary for the purposes of justice".

5. This sub rule is applicable to facts of the present case. In the present case, plaintiff has failed to plead above mentioned essentials required for production of original record. Spl.C.S.No.14/2013 is already decided. Plaintiff can obtain original documents as per law. Plaintiff has filed this application just to prolong the proceeding. Therefore this application is liable to be rejected. Hence I pass this order.

ORDER

This application is hereby rejected with costs.

Date :- 03/03/2022
Place :- Aurangabad.

(Smt. S. N. Morwale)
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	: Varsha Ajit Andurkar.
Court	: C.J.S.D. (Corporation Court), Aurangabad
Date	: 05.03.2022
Order signed by the presiding officer on	: 05.03.2022
Order uploaded on	: 05.03.2022