

MHAU130001232018



Reg Dkst/1/2018

Hoorunnissa Begam Vs. Venubai Salve

ORDER BELOW EXH. 55

By this application, the D.H. sought direction for production of the documents to J.D. No.4 corporation. Read the application and reply of J.D. No.4 corporation. Heard Ld. Advocates for the rival parties.

2. Ld. Advocate for the D.H. argued that the J.D. No.4 corporation has removed the encroachment which is subject matter of the present proceeding in road widening. However, the report of such demolition, panchnama etc. are not produced by it. Therefore, it is necessary for order its production.

3. Ld. Advocate for J.D. No.4 corporation argued that, the J.D. No.4 corporation has removed the encroachment and other structure which is subject matter of this proceeding and the decree is satisfied as such. It is for the D.H. to obtain certified copies of relevant document from the office of J.D. No.4 corporation for its production in this proceeding. Therefore, it is necessary to reject the application.

4. It is seen from the copy of decree passed in RCS No.1275/1988 that only J.D. Nos. 1 to 3 are directed to remove or demolish the construction from the public road. It is to be noted that no order against J.D. No.4 corporation is passed therein. However, the construction directed to be demolished by a decree appears to have been

demolished by defendant No.4 corporation in exercise of its powers under the law while widening the road. Therefore, the J.D. No.4 corporation cannot be directed to produce the documents as prayed by D.H. On the other hand, the D.H. can produce the certified copies of such documents. In such circumstances, application needs to be rejected. Therefore, I pass the following order.

ORDER

Application stands rejected.

Date :-11.02.2025.

(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.V. Shinde
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 11.02.2025
Order signed by the presiding officer on	: 11.02.2025
Order uploaded on	: 11.02.2025