



M.J.C. No. 13/2015
Deep Agrawal X Khamgaon
Urban Co-operative Bank
MHBU04-000401-2015

ORDER BELOW EXH. 27

Date of Order : 07th July, 2025.

This is an application filed by the applicant Deep Ramesh Agrawal permission to file the document on record.

2. Non-applicant through Advocate Shri. S.V. Agrawal has filed say below the application and resisted the application.

3. Ld. Advocate Mr. B.K. Gandhi for the applicant has submitted that the document which the applicant is going to be produced is necessary for proper adjudication of the matter. Hence, he urged to allow the production of document.

4. On the other hand, Ld. Advocate Mr. S.V. Agrawal for the non-applicant has submitted that application is not tenable in law because there is no compliance of Order 41, Rule 27 of the Civil Procedure Code. He submitted that no any ground is made out in

application for production of such document in appeal. Hence, he urged to reject the application.

5. I have considered the submissions of Ld. Advocates for both parties. Perused the application and say. I have gone through the record and proceeding of the case.

6. The record shows that applicant/original non-applicant No. 3 in case No. ARB/KUCB/M/34/2010 of Khamgaon main branch being aggrieved and dissatisfied with the award dated 21/09/2012, passed by the arbitrator has challenged it, as per Section 34 of the Arbitration and Conciliation Act by filing the main application.

7. In this proceeding, applicant is seeking to produce on record the certified copy of form No. 32. Though the non-applicants have resisted the application on the ground that applicant has not made compliance as per Order 41, Rule 27 of the Civil Procedure Code and no grounds are made out in the application. But, I do not find substance in the contention of the non-applicant. Because present application is filed under Section 34 of the Arbitration and Conciliation Act by way of application

challenging the impugned order passed by the arbitrator. Hence, it cannot be said that it is an appeal. Therefore, the provision of Order 41, Rule 27 of the Civil Procedure Code cannot be apply. The document which the applicant is seeking to produce on record is necessary for proper adjudication of the matter. Therefore, if the production of document is allowed then the non-applicant will not be prejudice. Hence, it would be just and proper to allow application. Therefore, application deserves to be allowed. Hence I pass following order :-

ORDER

1. Application Exh. 27 is allowed.
2. Cost in cause.

Khamgaon.
Date – 07/07/2025.

(G. B. Jadhav)
District Judge – 1
Khamgaon

- - - - -

MHBU04-000401-2015

... 4 ...

M.J.C. No. 13/2015
Deep Agrawal X Khamgaon
Urban Co-operative Bank
ORDER ON EXH. 27

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of the Court : District Judge – 1,
Khamgaon.

Name of the Stenographer : Miss H.D Chaudhari,
Stenographer Grade I.