

MHGA010007082019



R.C.A./25/2019

Shivdas Govindrao Wasnik & others

-vs-

Rajani Milind Meshram & others

ORDER BELOW EXH 12

(Passed on 26.2.2020)

1. This is an application taken out by the appellants for dispense with the private paper book.
2. The case of the appellants is that the case is fixed for hearing on Exh 5 and hence, in the interest of justice private paper book may be dispensed with. So that appeal may be disposed of expeditiously.
3. The learned counsel of the appellants vehemently opposed for it. He has submitted that in order to decide the appeal on merit it is necessary to go through the entire record of the case. Without paper book it would not be possible to go through entire record to decide the appeal on merit. Lastly he submitted that application may be rejected.
4. Heard learned counsel of both the parties at length. On considering rival pleadings of both parties, the following points arose for my determination and I record my findings with reasons thereon as under :

Points

Findings

- 1) Whether private paper book to be dispensed with ?

.. Negative.

2) What order ?

.. As per final order.

- R E A S O N S -

As to point No. 1 :

5. On perusal of application and grounds of memorandum of appeal, it appears that various grounds have been raised by the appellants. So it is necessary to go through the entire record while deciding appeal on merit. No doubt, appeal is to be decided expeditiously. But it is to be decided by following procedure of law. As the appeal has been preferred by the appellants and they are seeking its disposal on merit, they have to provide at least copy of private paper book to the court and the respondents also. If the appellants want to dispose the appeal expeditiously, the appellants may take effective steps to prepare private paper book without delay.

6. If the application of appellants to dispense with private paper book, then in that circumstances, the respondents will be deprived from perusal of entire material on record on the basis of which appeal is to be decided on merit. So in the interest of natural justice, it is desirable to provide at least private copy of paper book to the respondents. If the application of appellants is rejected, they will be required to provide private copy of paper book to the respondents and court also. I find that it will not cause greater hardship to the appellants to provide private copy of paper book to the respondents and court. It is also found that if the appellants take effective steps without delay to prepare private copies of paper book, then there would be no delay to dispose the appeal on merit. So, with this discussion, I find that application is liable to be rejected with direction to the appellants to provide private copies of paper book to the respondents and to the court. In the result, I find

that it is not necessary to dispense with the private paper book. Accordingly, I record my finding to the point no. 1 in the **negative** with holding that the appellants should provide private copies of paper book to the respondents and court.

**As to point no. 2 :**

7. In view of discussion and finding to point no. 1 , the application is liable to be rejected with holding that the appellants should provide private copies of paper book to the respondents and court. Accordingly I proceed to pass the following order :

**-O R D E R-**

- 1) Application Exh 12 is rejected with holding that the appellants should provide private copies of paper book to the respondents and court.
- 2) Parties to bear their own cost.

Date-26.2.2020

( D.G. Kamble)  
District Judge-2  
Gadchiroli