

MHRG140026022024



ORDER BELOW EXHIBIT-41

1. This order shall dispose of the application filed by the Plaintiffs at Exhibit-41, seeking directions against the Defendants to provide Marathi translations of applications filed at Exhibits 31, 33, 35, and 37, and further seeking an extension of time to file their say/reply to the application at Exhibit-30.

2. The facts giving rise to the present application are that the Plaintiffs have instituted the present suit against the Defendants seeking reliefs of declaration, partition, separate possession, and temporary and permanent injunction in respect of the suit properties. During the pendency of the suit, the Defendants filed various interim applications. Specifically, Defendant No. 2 filed applications at Exhibits 31, 33, 35, and 37 in the English language, and an application at Exhibit-30 referring to a registered document bearing No. 2488/2024.

3. By the present application (Exh-41), the Plaintiffs contend that since they do not possess a copy of the registered document No. 2488/2024 mentioned in Exhibit-30, they are unable to file their reply to Exhibit-30 and require time to procure the same.

Furthermore, the Plaintiffs contend that the applications at Exhibits 31, 33, 35, and 37 are drafted in the English language. They argue that under Section 137(2) of the Code of Civil Procedure, 1908, the official language of the Court is Marathi, and since some of the Plaintiffs do not understand English, the Defendants must be directed to supply Marathi translations of these applications to enable the Plaintiffs to file effective replies.

4. Defendant No. 2 resisted the application by filing his reply/say at Exhibit-44. It is contended that the application is legally untenable, misconceived, and has been filed solely to delay the proceedings. The Defendant No. 2 argues that Section 137 of the CPC does not confer any vested right on a party to demand translated copies of pleadings. It is further submitted that English is widely accepted and used in Civil Courts within the jurisdiction of the Hon'ble Bombay High Court. The Plaintiffs are represented by a senior practicing advocate who is well-conversant with the English language, and therefore, no prejudice or inability has been demonstrated. Thus, the Defendant No. 2 prayed for the rejection of the application with costs.

5. Heard learned Advocate Shri. Kishor Dhanaji Thakur for the Plaintiffs/Applicants and learned Advocate Shri. Nikhil Bhoir for Defendant No. 2. I have carefully perused the pleadings, the content of Exhibit-41, the reply at Exhibit-44, and the relevant statutory provisions.

6. The Plaintiffs have invoked Section 137(2) of the Code of Civil Procedure, 1908, to demand Marathi translations of the interim applications. Section 137 of the CPC deals with the language of Courts. Sub-section (1) provides that the language which on the commencement of the Code is the language of any Court subordinate to a High Court shall be deemed to be the language of such Court until the State Government otherwise directs. Sub-section (2) empowers the State Government to declare the language of such Courts. In the State of Maharashtra, while Marathi is declared as the official language of the subordinate courts, the use of English in pleadings, applications, and judgments is widely accepted and sanctioned by judicial practice and the Civil Manual of the Hon'ble Bombay High Court.

7. Procedural laws are designed to facilitate justice and cannot be used as technical tools to stall or delay proceedings. In the present case, the Plaintiffs are represented by an advocate of their choice, who is an officer of this Court. The advocate has accepted the copies of Exhibits 31, 33, 35, and 37 without any objection at the time of receipt. There is no pleading or showing that the learned advocate representing the Plaintiffs is unable to understand or translate the contents of the applications to his clients. It is the professional duty of the legal counsel to explain the pleadings to their clients.

8. In a catena of decisions, the Hon'ble Bombay High Court has emphasized that where a party is represented by an advocate

who is proficient in English, the mere fact that the litigant does not read English does not create a right to demand translation of pleadings from the opposite party, unless exceptional circumstances of prejudice or illiteracy are demonstrated. No such prejudice has been shown here. Therefore, the demand for Marathi translations of the applications is an unnecessary technical hurdle and is liable to be rejected.

9. The Plaintiffs have also requested an extension of time to file their reply to Exhibit-30 on the ground that they need to obtain a copy of the registered document No. 2488/2024 referred to therein. It is a fundamental rule of natural justice that every party must have a fair and reasonable opportunity to present their defense or reply. Since the document in question is a material fact referenced by the Defendant, the Plaintiffs should be granted a reasonable opportunity to inspect or obtain the document and file their reply. An absolute denial of time would cause prejudice to the Plaintiffs' substantive rights in the suit, which is for declaration, partition, and injunction. Thus, in the interest of justice, a reasonable time should be granted to the Plaintiffs to file their say to Exhibit-30, as well as to Exhibits 31, 33, 35, and 37, without further delay. Hence, the following order is passed:

ORDER

1. This application at Exhibit-41 is hereby partly allowed.

2. The prayer of the Plaintiffs seeking directions to the Defendants to provide Marathi translations of the applications at Exhibits 31, 33, 35, and 37 is rejected.
3. The Plaintiffs' prayer for an extension of time is allowed. The Plaintiffs are directed to file their respective says/replies to the pending applications at Exhibits 30, 31, 33, 35, and 37 on or before the next date of hearing, failing which the applications shall be heard on merits without their reply.
4. No order as to costs.
5. Parties to note and comply.

Uran,
Date : 12.06.2026

(S. P. Wankhade)
Civil Judge, J.D., Uran