

1 Commercial Suit No.01/2021
M/s.Deccan Retreat and Anr. V/s.
Maharashtra State Road Development
Corporation Ltd. and Another
Order below Exh.199.

MHRG170009352021



IN THE COURT OF DISTRICT JUDGE-2, PANVEL-RAIGAD
ORDER BELOW EXH.199 IN
COMMERCIAL SUIT NO.01/2021

(M/S. DECCAN RETREAT AND ANOTHER -V/S.-
MAHARASHTRA STATE ROAD DEVELOPMENT CORPORATION
LTD. AND ANOTHER)
(PASSED ON 11th DAY OF JULY, 2024)

1. This application is on behalf of defendant No.1 for production of documents on record.
2. The plaintiff is strongly opposed the said application as per reply vide Exh.201.
3. Points for the determination and my findings thereon for the reasons stated below;

SR. NO.	POINTS	FINDINGS
I.	Whether grounds are justified to accord leave for production of documents in terms of prayer?	Yes.
II.	What Order ?	The application is Allowed.

REASONS

4. Heard learned advocate of defendant Shri.Arun Siwach and learned advocate of plaintiff Shri.Santosh Lad.

AS TO POINTS NO. I AND II :

5. Plaintiffs sued against defendant for declaration and injunction in the year 2011. Defendant appeared and resisted the claim. The issues are framed. Plaintiff led evidence by way of affidavit. The said suit is transferred to Commercial Court relying on the issue involved between the parties was of commercial dispute. During pendency of the suit, the parties have filed writ petitions before Hon'ble High Court and then before Hon'ble Apex Court in respect of payment of arrears of rent.

6. During pendency of the hearing of this commercial suit, present application for production of document is filed. On perusal of the list of documents, it appears that those are orders of Hon'ble High Court passed from time to time of the petitions filed by the respective parties. Further the copy of order of Hon'ble Apex Court is also placed on record. One of the document is a copy of undertaking to which both the parties are signatories.

7. According to the learned advocate of defendant, the present application is moved for production of documents in view of directions of Hon'ble Apex Court in respect of deposit of rent amount and the rest directions vide petition for Special Leave to

3 Commercial Suit No.01/2021
M/s.Deccan Retreat and Anr. V/s.
Maharashtra State Road Development
Corporation Ltd. and Another
Order below Exh.199.

Appeal dated 19.11.2020.

8. In the light of rival submissions of the parties, it appears that those are the orders of Hon'ble Apex Court and of Hon'ble Bombay High Court and it ought to have been placed it on record. Further the document in respect of undertaking is a photostat copy that can be proved during course of evidence by the parties relying upon it. The request is for production of documents and that cannot be refused. The defendants have made out reasonable cause to place these documents on record. Thus in the light of foregoing, the production of documents with the list is allowed to place it on record. I answer Point No.I in the affirmative. With this, I pass following order;

ORDER

1.	The application (Exh.199) is allowed.
2.	The production of documents with list is allowed.
3.	The production of copy of undertaking is also allowed subject to proof of its contents.
	Dictated and pronounced in open court.

Panvel,
Date :- 11.07.2024

(K.G.Paldewar)
District Judge-2, Panvel-Raigad

Argument heard on	11 th Day of July, 2024.
Judgment/order delivered on	11 th Day of July, 2024.
Dictated on	11 th Day of July, 2024.
Transcribed on	11 th Day of July, 2024.
Checked and signed on	11 th Day of July, 2024.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : P.S.Mhatre
Name of the Court : District Court-2, Panvel
Date of Judgment/Order : 11.07.2024.
Judgment/Order signed on : 11.07.2024.
Presiding Officer : K.G. Paldewar
Judgment/Order uploaded on : 11.07.2024.