

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2109 of 2022**

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NARAN DHANJI HIRANI
Versus
KAUSHIK BHARATBHAI PAVANI

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Appearance:

MR MAULIK J SHELAT(2500) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE DR. JUSTICE ASHOKKUMAR C. JOSHI**Date : 03/02/2022****ORAL ORDER**

Heard, learned advocate Mr. Maulik J. Shelat for the petitioner. He submitted that the petitioner is the original plaintiff in Regular Civil Suit No. 162 of 2017 and pending said suit, the petitioner had filed an application Exh. 66 for production of documents by the defendants concerned and to send the same for expert opinion, for verification of the signature of the petitioner. He submitted that it is this application, which came to be rejected by way of impugned order dated 10.12.2021. The learned advocate for the petitioner submitted that the learned trial Judge has erred in not exercising the jurisdiction vested in the Court and further, has ignored the provisions of O.11 R.4 of the Civil Procedure Code (the CPC). He submitted that the learned trial Judge has wrongly rejected the application on the ground of delay inasmuch as there is no limitation provided for filing such an application before the Court and such application can be filed at any time during the pendency of the suit. He further submitted that in the year 2020, to be precise, on

11.12.2020, the right to file the Written Statement of the respondent No. 3 herein – original defendant No. 3 came to be rejected and accordingly, after regularization of Court proceedings, stalled due to Covid-19 pandemic, filing of such application by the petitioner – plaintiff on 09.07.2021, cannot be said to be filed belatedly.

The issue requires consideration. Hence, **Rule**, returnable on **21st March 2022**. In the meantime, **ad-interim relief** in terms of paragraph 7(B) of the petition is granted till then.

[A. C. Joshi, J.]

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