

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3892 OF 2018

Sushma Chandrashekhar KashalkarPetitioner

V/s.

Seema Pramod Naik and Ors.Respondents

Ms. Prabha U. Badadare, Advocate for the Petitioner.

Mr. Deepak Chitnis a/w. Mr. Mangesh Parte and Ms. Simran Jagtap
i/by. M/s. Deepak Chitnis Chiparikar & Co., Advocate for
Respondent no.1.

Mr. P.P. Pujari, AGP for State.

CORAM : SANDEEP V. MARNE, J.

Date : 30 June 2023.

P.C. :

1. By this petition, Petitioner challenges order dated 21 November 2017 passed by the Civil Judge Senior Division, Thane allowing Application filed by the Plaintiff for reconstruction of the documents being Deed of Confirmation dated 27 September 1994. The Court has proceeded to allow the application on the ground that original records and proceedings do not contain the certified copy of Deed of Confirmation dated 27 September 1994.

2. The only objection that the Petitioner has to the course of action adopted by the trial Court is the alleged difference between the document as originally produced and the one which is sought to be produced towards reconstruction exercise. It is submitted that the certified copy of the Deed of Confirmation earlier produced did not contain stamp of the office of Registrar on each page which now appears and the document which is produced by way of reconstruction exercise. Therefore doubts are raised by the Petitioner-Authority about the document that is now sought to be produced.

3. Comparison of both the sets of documents would indicate that the Deed of Confirmation has indeed been registered at serial no.4595 on 27 September 1994. Both the documents do bear an endorsement about registration of the document at serial no.4695. In the document which is now sought to be produced after reconstruction exercise, each page stamped with registration details which reflect the registration number as 4695.

4. Since doubts are raised about the genuineness of the document now sought to be produced, this Court by its order dated 25 February 2019 issued notice to the Sub-Registrar of Assurances, Thane with a further direction to him to verify the documents.

5. In my view, the entire controversy can be put to rest if Respondent no.1 is directed to produce fresh certified copy of the Deed of Confirmation and file the same before the Court.

6. The present petition is accordingly disposed directing Respondent no.1 to apply for and procure a fresh certified copy of the Deed of Confirmation dated 27 September 1994 and file the same before the Court within a period of 8 weeks from today. The Writ Petition is accordingly disposed of.

(SANDEEP V. MARNE, J.)