

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 443 OF 2015**

Mrs. Dina R. Shah & Anr.

....Petitioners.

Vs.

Patan Co-operative Bank Ltd. & Ors.

....Respondents.

Mr. Mayur Khandeparkar a/w Mr. R.S. Bidkar i/by Hariyani & Co. for the Petitioners.

Mr. Amol Kharat i/by Pillai & Co. for Respondent No.1.

Mr. Rushil Mehta i/by Radha Shah for Respondent No.3.

CORAM:- ANOOP V. MOHTA, J.

DATE :- 11 MARCH 2015.

PC:-

After hearing the parties and after due deliberation, the present Writ Petition can be disposed of. Therefore, by consent, the following order:-

ORDER

- a) Order dated 20 December 2014 passed in Application dated 19 July 2014 for expunging of the Affidavit of Evidence in lieu of Examination-in-chief of Mr. S.V. Bhuta, is set aside.
- b) Liberty is granted to the Respondent Bank to file fresh Affidavit of Evidence of its witness. It is

however, made clear that the Affidavit of Evidence in lieu of Examination-in-chief of Mr. S.V. Bhuta filed in December 2012 shall remain on record of 1st Co-operative Court. All contentions of the parties with respect to the Affidavit of Evidence in lieu of Examination-in-chief of Mr. S.V. Bhuta filed in December 2012, are kept open.

- c) Writ Petition is accordingly disposed of.
- d) There shall be no order as to costs.

(ANOOP V. MOHTA, J.)