

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.774 OF 2015
IN
FIRST APPEAL NO.1245 OF 2008

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Bhupesh Dhumatkar i/b. Jhangiani Narula & Associates for the Applicant

Mr. S. Nag Vadaria i/b. M/s. Mehta & Co. for Respondent Nos.1 and 2.

CORAM : K. K. TATED, J.

DATE : MARCH 19, 2015

P.C.:

1. Heard. The learned counsel for the Applicant filed an affidavit-cum-undertaking dated 12/03/2015. Same is taken on record.

2. This Application is preferred by the original Plaintiff seeking permission to take original share certificate No.45 marked as Exhibit 10 during the trial, for submitting to the society for carrying out mutation as per the consent terms.

3. The learned counsel for the Applicant submits that the Applicant undertakes to bring back the original certificate after carrying out the mutation as per the consent terms. Said undertaking is given in paragraph 3 of the affidavit dated 12/03/2015. He further submits that the

Applicant Rajendra Birendra Singh is present before this court. Undertaking given by the Applicant in paragraph 3 is accepted.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

i) Civil Application is allowed in terms of prayer clause (a) which read thus:

“a) That the original share certificate No.45 marked as Exhibit-10 during the trial be returned back to the Applicant for the purpose of carrying out mutation in the Share Certificate in terms of the consent terms.”

ii) The Applicant is directed to place on record a photocopy of share certificate No.45 before taking the original document.

iii) Undertaking dated 12/03/2015 given by the Applicant is accepted.

iv) Civil application stands disposed off accordingly.

JUDGE