

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7470 OF 2014

M/s.Johnson & Johnson Ltd.

... Petitioner

v/s

Mrs.Lorna John Baptist D'Souza & ors.

... Respondents

Mr.Nitin Dalvi for the petitioner.

Mr.Aurup Das Gupta i/by Jhangiani Narula & Associates for Resp.
Nos.1 to 9.

CORAM: N. M. JAMDAR, J.

DATED : 21ST APRIL, 2015

ORAL ORDER:

Heard learned counsel for the parties.

2. Rule. Rule made returnable forthwith by consent of the parties. Respondents waive service.

3. By this writ petition, the petitioner challenges the order passed by the Small Causes Court, Mumbai, dated 19 June 2014, below Exh.69 rejecting the application filed by the petitioner for production and exhibiting certain documents.

4. The respondents have filed a Miscellaneous Application No.36 of 2006 seeking mesne profit from the petitioner. In these proceedings, the petitioner made an application for bringing on record an agreement dated 9 September 2005. According to the petitioner, the document which is a leave and license agreement, would reflect the market value of the property, as according to the petitioner this agreement is executed in respect of a property which is in the same area. By the impugned order, the Small Causes Court, Mumbai, has rejected the application on the ground that it is not a public document.

5. Considering the nature of the proceedings and in view of expediting the same, in my opinion, interest of justice would be served if the petitioner is allowed to file this document on record and the learned Small Causes Court Judge is directed to mark the same. All contentions of the parties including the contention of the respondents that the said agreement will have no evidentiary value unless either of the authors of the agreement are examined, can be kept open. By adopting this methodology, interests of both parties is protected.

6. Accordingly, the writ petition is disposed of by permitting the petitioner to file the document in question on record of the Small Causes Court, Mumbai. The Small Causes Court, Mumbai, will consider the legal effect of this document on its own merit in light

of what is stated above. The Small Causes Court to mark this document for identification. All contentions regarding the admissibility of this document are kept open.

(N. M. JAMDAR, J.)