

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3172 OF 2015
IN
FIRST APPEAL NO.668 OF 2001

Babulal Pareshwarji Thakur

... Applicant

IN THE MATTER BETWEEN

Shrikant Manishakar Rele
since deceased,
through Sanjay hrikant Rele
Vs.

... Appellant

Prakash Manishankar Rele & Ors.

... Respondents

Mr.M.G. Gawade i/b G.S. Manasawala for the Applicant

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 11th SEPTEMBER, 2015

P.C.:

1. The application is moved for withdrawal of documents which are lying in the record and proceedings in First Appeal No.668 of 2011 which arose out of the judgment and decree in Civil Suit No.534 of 1982. The learned Counsel for the applicant submits that these documents are filed by Respondent No.2 in Appeal i.e., Defendant No.2 in the suit. The suit was dismissed. He therefore wants to withdraw the documents. It is submitted that he wants to file the said documents in some other suit in the City Civil Court.

2. After hearing the learned Counsel for the applicant, in my view, instead of allowing the applicant to withdraw the original documents, it would be appropriate that he is allowed to take photocopies, certified by the authority which is competent to certify from the Registry and thereafter those copies can be produced before the trial Court. If requisitioned by the trial Court, the original documents can be sent to the trial Court by the Registry.

3. Order accordingly.

4. Civil Application stands disposed of.

(MRIDULA BHATKAR, J.)

CERTIFICATE

Certified that this Judgment/Order uploaded is a true and correct copy of original signed Judgment / Order.