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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 591 OF 2013
IN
SUIT NO. 1366 OF 2011

Sarojkumar N. Agarwal & 4 Ors. ...Plaintiffs
Versus
Sajjan N. Agarwal & 12 Ors. ...Defendants

Mr. Nitin Thakkar, Senior Advocate, with Mr. Kamal Khata, Mrs. Nityoah Mehta, Mr. Ashish Anand, i/b M/s. Nityoah Suneel & Associates, for the Plaintiffs.
Ms. Priyanka Kothari, with Ms. Neha Bhatt, i/b M/s. Bilawala & Co., for Defendants Nos. 12 and 13.
Ms. Swati Sawant, for Defendants Nos. 1, 3, 4, & 5.

CORAM: G.S. PATEL, J
DATED: 16th February 2015

PC:-

1. This is the Plaintiffs' Chamber Summons seeking inspection of documents listed at Exhibit "E" to the affidavit in support.
2. The 1st Plaintiff, the 1st Defendant and 2nd Defendant are all brothers. According to the Plaintiffs, the 2nd Defendant has disposed of certain immovable properties on the basis of an

unprobated will or pursuant to an alleged family arrangement or a series of arrangements or a combination of all of this. The Plaintiffs claim to have right in this immovable property in this administration suit combined with a cause of action in partition and which is based on intestacy of the deceased.

3. Exhibit “E” to the affidavit in support contains several different lists, each directed to a different set of Defendants. List “1” is a list of documents of which inspection is required from Defendants Nos. 2, 6, 7 and 8. List “2” (page 108) seeks inspection of the enumerated documents from Defendants Nos. 9 to 11B. List “3” sets out documents of which inspection is required from Defendants Nos. 12 to 16. List “4” sets out the documents of which inspection is required from Defendant No. 17. The final List “5” sets out the documents of which inspection is required from Defendants Nos. 18 and 19.

4. It is true that some of the items in these lists are stated in generalities. For example, an item that appears repeatedly is one that says “any other documents” or “all correspondence”. These are not matters of which inspection can be properly sought. Indeed, in fairness, Mr. Thakkar, learned Senior Counsel for the Plaintiff does not even press for any relief in respect of such items. The other items are, however, specific and relevant.

5. The Defendants listed above, i.e., Defendants Nos. 2, 6, 7, 8, 9 to 11B, and 12 to 16 are directed to give the Plaintiffs’ inspection of the various specific documents enumerated in the lists for each of the sets of the Defendants. Should any of these Defendants

decline to give inspection of any particular document, they will say so specifically and will assign a reason for not giving inspection. It will be open to the Defendants to contend at any stage of the suit that these documents of which inspection is sought are not relevant nor necessary and that the Plaintiffs are not entitled to inspection of this. Equally, it will be open to the Plaintiffs to contend that the failure to give inspection invites an adverse inference against the Defendants concerned.

6. Defendants Nos. 17, 18 and 19 are public authorities. There is no question of any of them declining to grant inspection of any items. Each of them is directed to give inspection within two weeks from the date of receipt of an authenticated copy of this order of all the documents in their power and possession relating to the subject matter of the suit and enumerated in Exhibit “E” to the affidavit in support, including all generally worded items as well. It is clarified that Defendants Nos. 17, 18 and 19 must give the Plaintiffs’ inspection of their entire files pertaining to these properties. The latitude that is available to the other Defendants is not available to these public authorities.

7. Inspection by other Defendants, i.e., the private parties must be completed on or before 9th March 2015.

8. All Notices of Motions to be listed for direction on 11th March 2015.

9. The Chamber Summons is disposed of in these terms with no order as to costs.

10. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)