

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

Amk

**APPEAL FROM ORDER (STAMP) NO. 1723 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 1724 OF 2016**

Kishor Mansatta .. Appellant
Vs.
Shri Cutchi Lohana Mahajan & Ors. .. Respondents

Mr. Abhaykumar Apte i/b Mr. Mukesh Valji Aiya for the Appellant.
Mr. Ankit Lohia a/w. Mr. Arun Mehta, Ms. Sonika Mehta i/b Akshar Laws for
Respondent Nos. 1 to 3.
Mr. Shishir S. Manjrekar for Respondent No.4.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 23rd AUGUST, 2016.

P. C. :

1. Admit. Learned counsel for the respondents waives service of notice.
2. This appeal is taken up for final hearing as a very short issue is involved therein and it can be disposed of at the stage of admission itself with the consent of learned counsel for both the parties.
3. The appeal is preferred against the order dated 23.01.2015 passed by the Learned Judge of City Civil Court, Mumbai in Notice of Motion No. 3478 of 2014 in S. C. Suit No. 1444 of 2014.
4. As per the impugned order, the plaintiffs therein were directed to deposit minutes book, signature book, cheque book, blank vouchers of defendant No.1 Trust with defendant No.1 within one month from the date

of the said order.

5. Contents of the order, especially, para 8 reveals that, according to the plaintiffs, they had already returned the documents like, cheque book, one blank voucher book, minute book, signature book etc. to defendant No.4. Defendant No.4 has appeared before the trial Court but not filed the affidavit admitting that the plaintiffs have handed over all these documents to him. In view thereof, the plaintiff was directed to deposit these documents with defendant No.1 Trust.

6. In this appeal, learned counsel for original defendant No.4 is present before the Court and has filed affidavit on record stating that he is having all those documents as ordered by the Court to be deposited and he is ready to deposit the same with defendant No.1 Trust. He undertakes to deposit the same within two weeks from the date of this order.

7. In view of thereof, by keeping all the contentions of all the parties open, this appeal is allowed directing defendant No.4, as undertaken by him, to deposit the documents stated in the impugned order like, minutes book, signature book, cheque book, blank voucher book etc. with defendant No.1 Trust within two weeks from the date of this order at the Trust's office.

8. In view of the disposal of the Appeal from Order, Civil Application also stands disposed of as having become infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]