

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4833 OF 2016
WITH
WRIT PETITION NO.4842 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.A.Kumbhakoni, Sr.Counsel with Mr.Akshay Shinde i/b Mr.Yogesh Adhia for the petitioners

Mr.Charles D'Souza with Ms.Mahima Sinha with Ms.Manaswi Agarwal i/b M/s. Verus Advocates for the respondent

CORAM : K. K. TATED, J.
DATE : APRIL 28, 2016

P.C.:

1 Heard the learned Senior Counsel for the petitioner and the learned counsel for the respondent.

2 By these petitions, under Article 227 of the Constitution of India, petitioners original defendants challenges the order passed by Trial Court allowing the plaintiff's application for issuing witness summons to the concerned Police Station for production of, some of the documents.

3 The learned Senior Counsel after arguing for

some time makes a statement that petitioner may be allowed to withdraw both the petitions but the question on the point of relevancy of those documents may be kept open. He further submits that liberty may be granted to the petitioners to make appropriate application before the Trial Court for recalling P.W.No.1 for cross-examination, if necessary.

4 Considering these facts, following order is passed:

- a) Both the petitions stand dismissed as withdrawn.
- b) Issue about relevancy of the documents is kept open.
- c) Liberty granted to the petitioners to make appropriate application if they so desire, before the Trial Court for recalling P.W.No.1 for cross-examination if necessary after examination of concerned police officer and that application be decided on its own merits.
- d) All contentions of both the parties are kept open.

JUDGE