

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12325 OF 2015

Mohanlal Ghanshamdas Kukreja ... Petitioner
Vs.
Hiralal Ghanshamdas Kukreja and others ... Respondents

Mr. R. R. Khosla a/w. Mr. Prakash Ganwani for Petitioner.
Mr. V. J. Makhija a/w. Mr. Jainish Jain i/b. L. J. Law for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 15, 2016

P.C. :

Heard Mr. Khosla, learned Counsel for petitioner and Mr. Makhija, learned Counsel for respondent No.1. On the motion made by Mr. Khosla, leave to delete respondents No.2 to 7 is granted. Amendment shall be carried out forthwith. Rule. Mr. Jain waives service for respondent No.1. At the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

2. By this Petition under Article 227 of the Constitution of India, original plaintiff has challenged the judgment and order dated 12.10.2015 passed by the learned Judge, City Civil Court, Greater Mumbai, below exhibit 73 in Suit No.4315 of 1998. By that order, the learned trial Judge rejected the application filed by the plaintiff for production of certain documents annexed with the application and to mark them as exhibits.

3. Mr. Makhija, upon taking instructions, states that respondent No.1 has no objection for allowing the application made by the plaintiff for taking application dated 20.09.2013 made by Hiralal G. Kukreja along

with the letter dated 17.08.2013 addressed by the Court Receiver to Hiralal G. Kukreja and reply dated 23.08.2013 addressed by Mr. Makhija to the Court receiver, on record. Mr. Khosla submits that petitioner will not press Notice of Motion No.4446 of 2015 in S.C.Suit No.4315 of 1998 and will withdraw the said Motion by moving the trial Court for that purpose. Learned Counsel for the parties further agree that they will not lead further evidence. Statements made by the respective Counsel for the parties are recorded.

4. In view thereof, by consent of the parties, impugned order is set aside and petitioner is permitted to produce documents referred hereinabove. Liberty is reserved to the petitioner to apply for adjournment before the trial Court for arguments. If such application is made, the learned trial Judge will pass appropriate order after hearing the parties. Rule is made absolute in the aforesaid terms with no order as to cost.

(R. G. KETKAR, J.)

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