

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4321 OF 2016
IN
FIRST APPEAL NO.338 OF 2015

Bindu Bhasin Wd/o. Raghuvansh Bhasin	 Applicant
V/s.	
Niyam Bhasin	 Respondent

Mr. Sunny Punamiya, i/by M/s. SSP Legal, for the Applicant.

Mr. Niyam Bhasin, the Respondent, is present-in-person.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 5TH OCTOBER 2016.

P.C. :

1. Heard learned counsel for the applicant and the respondent, who is appearing in person.

2. This is an application filed by the original appellant seeking return of the original documents, which were filed in the City Civil Court, Mumbai, where the Suit was prosecuted and which are presently in the custody of the Registrar, City Civil Court, Mumbai. It is submitted that the original Share Certificate No.59 dated 15th June 1967 and Certificate of Membership and Allotment under No.47 dated 21st July 1967 were produced in the Trial Court during hearing of the S.C. Suit No.2455 of

2011. The applicant now urgently requires these two documents for the purpose of her VISA to U.S.A. Her appointment in the USA Embassy for the purpose of VISA is scheduled tomorrow i.e. 6th October 2016 at 8:00 a.m. It is submitted by learned counsel for the applicant that the applicant is ready to give undertaking to produce these two original Certificates again before the Registrar, City Civil Court, Mumbai, immediately after the VISA appointment is over.

3. Respondent, who has appeared in person, in response to the notice issued to him through this Court, has strongly resisted this Civil Application by contending that both these documents are false and fraudulent and the applicant wants to hoodwink the USA Embassy by production of these two documents; and that the High Court should not be party to such illegal act.

4. Whether these documents are fraudulent, false or not, that issue is not yet decided either by the Trial Court or by this Court or by any other Criminal Court till today. Only purpose for which the applicant wants return of the documents is to produce the same before the USA Embassy to prove her financial position. Of-course, the USA Embassy is going to consider these documents on their own merits and there is no question of

applicant hoodwinking the USA Embassy by production of these documents. Applicant is also ready to give undertaking that she will produce these original documents within two weeks from the date of this order.

5. Accordingly, this Civil Application is allowed in terms of prayer clause (a).

6. The Registrar, City Civil Court, Mumbai is directed to return the above-said two documents, namely, original Share Certificate No.59 dated 15th June 1967 and original Certificate of Membership and Allotment under No.47 dated 21st July 1967, to the applicant by retaining xerox copies of the said documents on record, subject to condition that the applicant shall file undertaking before this Court and also before the Registrar, City Civil Court, Mumbai, stating that she will produce these original documents within two weeks from the date of this order.

7. Civil Application stands disposed of in the above terms.

8. All concerned to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]