

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1155 OF 2016  
IN  
SECOND APPEAL NO.488 OF 2014

Bhimrao R. Rathod & Ors. ...Applicants

**IN THE MATTER BETWEEN :**

Janabai B. Sasne & Ors. ...Appellants

V/s.

Bhimrao R. Rathod & Ors. ...Respondents

Mr.Surel Shah for the Applicants.

Mr.Amol Joshi i/b Mr.Rahul Kolnoorkar for the Respondents.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 19TH AUGUST, 2016.**

**P.C. :-**

1. By this civil application the applicants seek permission to get the original documents returned which are transmitted to this Court by the trial Court. It is the case of the applicants that some of the documents described in paragraph 3 of the civil application are required to be produced by the applicants in another suit proceedings *inter-se* between the parties.

2. Learned counsel appearing for the respondents fairly

states that his clients have no objection if the original documents described in paragraph 3 of the civil application are returned to the applicants provided that they give an undertaking to this Court that as and when the said trial Court proceedings are over, the said documents shall be returned by the applicants before this Court or whenever required by this Court in these proceedings.

3. Mr.Shah, learned counsel appearing for the applicants, on instructions, undertakes before this Court that the documents described in paragraph 3 of the civil application shall be returned as soon as the trial in the suit between the same parties in which the documents are required is over or if it is required by this Court in this proceeding. The undertaking is accepted.

4. The civil application is accordingly made absolute in terms of prayer clause (a). The office is directed to return the original documents described in paragraph 3 of the civil application to the learned advocate representing the applicants in view of the undertaking rendered by the learned counsel for the applicants before this Court. The applicants are directed to furnish the photo copies of those documents duly certified as true copies by the learned advocate representing the applicants before the original are returned to the applicants.

5. The civil application is accordingly disposed of in aforesaid

terms.

6. The office is directed to act on the authenticated copy of this order.

**(R.D. DHANUKA, J.)**