

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO.43 OF 2016
IN
TESTAMENTARY SUIT NO. 72 OF 2005
IN
TESTAMENTARY PETITION NO. 528 OF 2005**

Vijay Kumar Gupta	...Plaintiff
<i>Versus</i>	
Naresh Kumar Gupta & Anr.	...Defendants

Dr. Abhinav Chandrachud, i/b. M/s. D.B. Amin & Co. for the Plaintiff.
Mr. Mohit Arora, with Aditya Pimple, i/b. M/s. Desai & Diwanji for the Defendants.

CORAM: G.S. PATEL, J
DATED: 18th April 2016

PC:-

1. This is a Chamber Summons filed by the Plaintiff. In the suit, the cross examination of the Defendant, being conducted in Court, is partly complete.

2. The Chamber Summons seeks the issuance of two summonses to produce documents. The first is to the Marina Co-

Operative Housing Society Ltd., Prabhat Building, 28-B Road, Churchgate, Mumbai 400 020 and the second is to the Branch Manager, Union Bank of India, V.N. Road Branch, Mumbai 400 020. Dr. Chandrachud for the Plaintiff readily accepts that the wording of the prayers in the Chamber Summons is too broad. There is also Affidavit in Reply that is tendered and taken taken on file which makes the same point. It is not necessary to go into this controversy. Dr. Chandrachud limits his application to four documents, two required from the Society and two required from the Union Bank of India.

3. Accordingly, issue a summons *duces tecum* to the Secretary of the Marina Co-Operative Housing Society Ltd., Prabhat Building, 28-B Road, Churchgate, Mumbai 400 020 returnable on 4th May 2016 in Court Room No.37 at 3 pm to produce the originals of two letters dated 31st March 2004 and 29th December 2004 addressed to the Honorary Secretary of that Society by Trilokchand Keshoram Aggarwal.

4. Similarly, issue a summons *duces tecum* to the Branch Manager, Union Bank of India, V.N. Road Branch, Mumbai 400 020 also returnable on 4th May 2016 in Court Room No.37 at 3 pm to produce the originals of the specimen signature cards maintained in the records of that branch relating to Account No.30113 and 2235 dated 21st September 1994 and showing the specimen signatures of 'Trilokchand Keshoram' and 'Trilokchand Agarwal (Gupta)' respectively.

5. For convenience, Mr. Chandrachud tenders photocopies of the four documents. For time being, these are retained on file and marked “X” for the purposes of identification and reference in this order.

6. The Chamber Summons is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)