

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**LEAVE PETITION NO. 55 OF 2016
IN
SUIT NO. 909 OF 2015**

Rukmini Sanwarmal Khaitan & Ors.

.. Petitioners

Vs.

Harsh Rajiv Khaitan & Ors.

.. Respondents

Mr.Jairam Chandhnani i/b Lexim Associates for petitioners.

Mr.Gautam Ankhad i/b B.P. Resu for respondent Nos.1 to 3.

CORAM : K.R.SHRIRAM, J.

DATE : 5TH APRIL, 2016

P.C.

1 This Leave Petition is for leave under Order XXXII, Rule 7(1) of the Code of Civil Procedure, 1908 to allow plaintiff no.2 to execute the proposed consent terms on behalf of plaintiff no.1 in capacity of her next friend.

2 Shri Ankhad, counsel appearing for defendant no.1 to 3 states that they had raised objections regarding the correctness of the Examination Report and Medical Certificate at Exh.'A' to the petition. The counsel for the petitioners agrees with Shri Ankhad and submits that this Court had subsequently, by its order dated 3rd November 2015, directed the examination of plaintiff no.1 by another Psychiatrist. The counsel submits

that the said Psychiatrist Dr.Bhupendra Choudhary has suggested that plaintiff no.1 is examined by a Clinical Psychologist Dr.Sunny Joseph. K. as well and accordingly plaintiff no.1 was examined. The reports of Dr.Choudhary and the Clinical Psychiatrist are annexed at Exh.'B' and 'C' to give the background of the matter.

3 The counsel for the petitioner states that they are primarily relying only on the documents annexed at Exh.'B' and 'C' of the petition for the purpose of the Leave Petition and not on Exh.'A'. In view of this clarification from the counsel for the petitioner, Shri Ankhad, on instructions, states that they have no objection if the leave petition is allowed.

4 Leave Petition is disposed of in terms of prayer clause (a).

5 Shri Ankhad states that defendant nos.1 to 3 have also filed affidavit in reply affirmed on 4th April 2016 and requests that the registry may take the same on record and keep the same in its file. Shri Ankhad states that they will file the affidavit in reply during to course of today. Registry to accept the same.

(K.R. SHRIRAM, J.)