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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6258 OF 2017

Mukesh Raishi Chheda since deceased lrs. ...Petitioners
VS
Dhirajlal Raishi Chheda & Ors. ...Respondents
WITH
WRIT PETITION NO. 6259 OF 2017

Raishi Shivji Chheda since deceased lrs. ...Petitioners
VS
Dhirajlal Raishi Chheda & Ors. ...Respondents

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Mr Yahya Ghoghari i/b Jatin Sheth for the Petitioners in both
Petitions.

Mr V.Y.Sanglikar a/w Ms Leena Shah i/b Shah and Furia
Associates for the Respondents in both Petitions.

Ms Kavita N. Solunke, AGP, A.S. (Writ Cell) for the State
present.

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**CORAM : B.P.COLABAWALLA, J.
JUNE 27, 2017.**

P.C. :

These Writ Petitions are filed challenging two orders
dated 25th October, 2016 passed below Exhs. 246 and 271
respectively. These applications were filed by the original
Defendant/father (now deceased) seeking a direction for sending
107 rent receipts for analysis and verification to the Directorate

of Forensic Science Laboratory at Kalina, Santacruz. By the impugned orders, the applications filed by the original Defendant (deceased father) were rejected.

2 When I heard both these matters on 19th June, 2017, I inquired from Mr Sanglikar whether his client (original Plaintiff) in L.E. Suit No.141/173 of 2008 was agreeable to send all the rent receipts to the Directorate of Forensic Science Laboratory at Kalina, Santacruz to determine/scrutinize the difference, if any, of the paper quality and the ink on revenue stamp of the Rent Receipts for the period from March 1987 to December 2000. At that time, Mr Sanglikar was unable to agree to my suggestion. Since I found that the arguable questions were raised, rule was issued and the Trial Court was directed not to proceed with L.E. Suit No. 141/173 of 2008.

3 Today these matters have been moved before Me wherein Mr Sanglikar, on taking instructions, states that his client (original Plaintiff) is agreeable to send all the 107 rent receipts to the Directorate of Forensic Science Laboratory at Kalina, Santacruz to determine/ scrutinize the difference, if any,

of the paper quality and the ink on the revenue stamp of the rent receipts (107 rent receipts in all) for the period March 1987 to December 2000.

4 In view of the aforesaid statement, the impugned orders dated 25th October, 2016 passed below Exhs. 246 and 271 respectively are hereby quashed and set aside. All 107 rent receipts which collectively form the subject matter of these two Writ Petitions are directed to be sent to the Directorate of Forensic Science Laboratory at Kalina, Santacruz to scrutinize the difference in the paper quality, if any, and the ink used on the revenue stamps of the rent receipts and file a Verification Report in the Trial Court in a sealed cover, within a period of four weeks from the date of receipt of a copy of this order. The charges for this entire exercise shall be borne by the Petitioners herein.

5 Until the report is submitted by the Directorate of Forensic Science Laboratory at Kalina, Santacruz, the Trial Court is directed not to proceed with L.E. Suit No. 141/173 of 2008. Once the report is received, the Trial Court after

considering the report shall proceed with the suit and shall make an endeavor to dispose of the suit as expeditiously as possible. All contentions with reference to the report of all parties are kept open.

6 Both the Writ Petitions are disposed of in the aforesaid terms.

(B.P.COLABAWALLA,J.)