

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION**

**CHAMBER SUMMONS NO.16 OF 2017
IN
TESTAMENTARY SUIT NO.182 OF 2016
IN
TESTAMENTARY PETITION NO.1232 OF 2014**

Girish Shantaram PikaleApplicant

IN THE MATTER BETWEEN :

Shailesh Shantaram PikalePetitioner

V/s.

Girish Shantaram PikaleDefendant

Mr.Manish Gala i/by Sushma Nair for the petitioner.

Mr.Anupam Surve a/w Ms.Yasmeen Mohd. Sabir i/by Little & Co. for the defendant/applicant.

CORAM : K.R.SHRIRAM,J

DATE : 29.3.2017

P.C.:-

1 This Chamber summons is taken out to direct the petitioner to give inspection of all the documents referred to and relied upon in the petition. Exhibit-E to the chamber summons is a letter dated 17.12.2016 addressed by the advocate for the defendant no.1 to the advocate for the plaintiff recording the list of documents of which inspection was offered or refused by the petitioner. There are 32 items. Mr.Surve appearing for the applicant stated that some of the documents of which inspection was given were incomplete. So far as documents at serial nos.15, 17 to 32, no inspection was given.

Mr.Gala appearing for the plaintiff, at the outset, confirmed what has been recorded by the advocate for defendant no.1. Secondly, so far as incomplete documents are shown, Mr.Gala stated the plaintiff has only those incomplete documents.

2 As regards documents at serial nos.15, 17 and 18 to 32, the plaintiff shall give inspection of originals if he has and/or photo copies if he does not have originals or if he does not have originals or photo copies, he shall said so and the inspection has to be given at 5.15 P.M. on 3.4.2017. The inspection can be given at the office of the petitioner or his advocate. It is made clear that the petitioner should categorically state which of the documents he is giving inspection of are originals, which of the documents are photo copies and which documents he does not have. It is made clear that the petitioner will not be permitted to rely upon any documents which he says he does not have. As regards the other documents of which inspection is given, of course, it will be subject to admissibility.

(K.R.SHRIRAM,J)