

Amk

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

**NOTICE OF MOTION NO. 1 OF 2017
IN
PARSI SUIT NO. 31 OF 1987**

Mr. Kersi Jal Dubash .. Applicant

In the matter between

Kersi Jal Dubash .. Plaintiff

Vs

Shireen Kersi Dubash .. Defendant

Mr. Karl Tamboly a/w. Ms. Amanda Rebello i/b Bharucha & Partners for the Plaintiff/Applicant.

Mrs. Taubon F. Irani for the Defendant.

CORAM : K.R. SHRIRAM, J.
DATE : 14th MARCH, 2017.

P.C.:

1. Mr. Tamboly states that this Notice of Motion is only for direction against the defendant to give inspection of the documents referred to and relied upon in defendant's affidavit-in-support of the Notice of Motion. Mr. Tamboly states that the defendant's Advocate has given compilation of photocopies and also inspection of only photocopies and no originals have been shown.

2. Ms. Irani states that the originals are not with the defendant and the originals are with the plaintiff or in Court proceeding.

3. In view of this statement made, Mr. Tamboly states that the Notice of Motion could be considered as disposed of.

4. The Notice of Motion is, accordingly, disposed of. At the same time Mr. Tamboly states that this statement of lack of originals made by Ms. Irani will have a bearing in Notice of Motion No. 7 of 2016 and craves leave to take up those grounds at the hearing of the Notice of Motion No. 7 of 2016. It is clarified that it is open for both the parties to take up such defence as they wish while arguing the Notice of Motion No. 7 of 2016.

5. Ms. Irani states that the reply to Notice of Motion No. 1 of 2017 is ready and even if it is disposed prays for directing the Registry to accept the reply on record. The Registry to accept the reply. It is also clarified that whatever is stated in the reply will not be deemed to have been admitted for want of rejoinder since the reply is filed after the disposal of the Notice of Motion.

[K. R. SHRIRAM, J.]