

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3838 OF 2018

WITH

WRIT PETITION NO.3843 OF 2018

WITH

WRIT PETITION NO.3844 OF 2018

Harish Loyalka and another ... Petitioners

Vs.

Elegant Industries Private Limited ... Respondent

Mr. Kevic Setalvad a/w. Mr. Vinay Kanodia, Mr. Kunal Kirpalani i/b.
M/s. Mulla & Mulla & Craigie Blunt & Caroe for Petitioners.

Mr. Dileep Nevatia, Director of Respondent present.

CORAM : R. G. KETKAR, J.

DATE : JUNE 20, 2018

P.C. :

Heard Mr. Setalvad, learned Senior Counsel for the petitioners and Mr. Dileep Nevatia, appearing on behalf of the respondent in person at length.

2. These Petitions take exception to the orders dated 11.12.2017 passed in applications filed by the petitioners herein taking exception to the appearance of Mr. Dileep B. Nevatia on behalf of the appellant i.e. Elegant Industries Private Limited before the Appellate Court. By these orders, the Appellate Court of the Small Causes Court dismissed the applications.

3. The Petitions were heard at length from time to time and also were heard today for quite some time. After arguing the Petitions for quite some time, on instructions, Mr. Setalvad seeks permission to withdraw the Petitions with liberty to take out fresh applications for claiming same relief.

4. Mr. Nevatia opposed grant of liberty. He submitted that the petitioners herein have not produced the documents, which are sought to be tendered for the first time during the course of hearing of these Petitions. The petitioners will have to make out a case for production of these documents under Order XLI, Rule 27 of the Code of Civil Procedure, 1908 (for short 'C.P.C.').

5. In view thereof, on the motion made by Mr. Setalvad, Petitions are allowed to be withdrawn with liberty as prayed for. Petitioners will have to make out a case under Order XLI, Rule 27 of C.P.C. for production of documents, which were not filed so far. If such applications are taken out, all contentions of Mr. Nevatia in that regard are expressly kept open.

6. Mr. Setalvad assures that within one week from today, petitioners will file applications and serve copy in advance on the other side. Mr. Nevatia assures that within 10 days of receipt of the application, he will file reply and serve copy in advance on the other side during this period. The Appellate Court is requested to dispose of the application within two weeks from the completion of pleadings. Order accordingly.

(R. G. KETKAR, J.)

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