

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4090 OF 2016

Rita Mahesh Dadarkar and Ors.

.. Petitioner

V/s.

Dineshkumar Tribhuvandas Shah and Ors.

.. Respondents

Mr.Rakesh Kumar a/w Ms.Diksha Tripathi I/b M/s.Legal Vision
for the petitioner

Mr.Piyush M. Shah with Ms.Meetal Savla for the respondent
nos.1, 3, 5 and 6

CORAM: K.K. TATED, J

DATED : DECEMBER 4, 2018

P.C. :

1 Heard.

2 After hearing both the sides, both the parties tendered
consent minutes of order dated 04.12.2018. Same is taken on
record and marked 'X' for identification. Same reads thus:

"CONSENT MINUTES OF ORDER"

*By filing the above petition, Petitioners (Original
Defendant Nos.3 to 5) have challenged the
Order/Roznama dated 12th January, 2015 passed by
the Ld. Trial Judge in S.C. Suit No.7047 of 2005 (H.C.
Suit No.2747 of 2005) and the Order dated 7th
December, 2015 passed by the Ld. Trial Judge in*

N.M.No.1091 of 2015 in S.C. Suit No.7047 of 2005. By consent of the parties following order is passed:

1. Order / Roznama dated 12-01-2015 passed by the Ld. Trial Judge in S.C. Suit No.7047 of 2005 (H.C.Suit No.2747 of 2005) thereby marking the documents in the List of Compilation of Original Documents filed by the Plaintiffs along with their Affidavit of Examination-in-Chief dated 10-10-2014 at Sr.Nos.7, 8, 12, 17, 18, 22, 23, 25, 27 and 29 respectively as Exhibit Nos.8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 is hereby quashed and set aside to the extent of the said documents and exhibits.

2. The Ld. Trial Judge is directed to hear afresh the parties on admissibility, proof and marking of the documents mentioned in Clasue-1 above and pass the Order on merit without being influenced by the earlier Orders dated 12-01-2015 and 08-12-2015 mentioned above.

3. The Order dated 08-12-2015 in N.M.No.1091 of 2015 in S.C. Suit No.7047 of 2005 is modified according to this Order.

4. The above Writ Petition is disposed off in terms of this Order.

5. No Order as to costs."

3 Writ Petition stands disposed of in terms of consent minutes of order dated 04.12.2018.

4 No order as to costs.

(K.K. TATED, J.)