

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.6128 OF 2013

Rustom Maneckji Vajifdar (deleted)	]	
Jamshed Minocher Pandey	]	Petitioner

Vs.

The Trustees of Parsi Panchayat Funds	]	
and Properties and others.	]	Respondents

.....

Mr. Abhay D. Parab, for Petitioner.
Mr. Vaibhav Sugdare i/b Radhika Nair i/b Jaykar & Jaykar Partners, for
Respondents No.1,6 and 7.

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CORAM : R.G. KETKAR, J.

DATE : 2ND AUGUST, 2018.

P.C.

Heard Mr. Parab, learned Counsel for the petitioner and Mr. Sugdare, learned Counsel for respondents No.1,6 and 7 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as “defendant” has challenged the order dated 11th December, 2012 passed by the learned Judge, Court Room No.21 of the Court of Small Causes at Mumbai below Exhibit 10 in R.A.E. Suit No.1034/1673 of 2011 as also the order dated 8th May, 2013 passed by the Appellate Bench of the Court of Small Causes at Mumbai in Revision Application No.110 of 2013. By these orders, the Courts below dismissed the application Exhibit 10 taken out by defendant No.2 for inspection of the documents referred to and relied on by the plaintiffs in the plaint.

3. The matter was heard at length on earlier occasion and was adjourned till today so as to enable Mr. Sugdare to take instructions from the plaintiffs as to whether they are ready and willing to offer inspection to defendants No.1 and 2. Mr. Sugdare submits that Ms. Sonali Chavan, representative of the plaintiff-Trust is present in the Court. She is authorized to instruct him. He has tendered photo copy of her PAN Card and Power of Attorney executed by the Trustees of the Trust in favour of her. The same are taken on record and marked 'A' Colly for identification. Upon taking instructions from her, he states that the plaintiffs will offer inspection to defendants No.1 and 2 on 9th August, 2018 at 3.00 p.m in the Office of the plaintiff-trust.

4. Mr. Parab submits that within two weeks from the date of taking inspection, defendants No.1 and 2 will file written statement. Statement made by Mr. Parab is recorded.

5. In view thereof, nothing survives in this Petition and as such, is disposed of.

6. Liberty is granted to the plaintiffs to file application for expeditious hearing of the suit. If such application is made, the trial Court will pass appropriate order on that application. Order accordingly.

[R.G. KETKAR, J.]