

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.10590 OF 2015

Pinky Neeraj Kalro	]	Petitioner
Vs.		
Neeraj Lalchand Klaro	]	Respondent

.....

Mr. Rohaan Cama i/b Vivek Pandey, for the Petitioner.

Mr. Siddesh Pilankar i/b UdayP. Warunjikar, for Respondent No.1.

.....

CORAM : R.G. KETKAR, J.

DATE : 28TH FEBRUARY, 2018.

P.C.

Heard Mr. Cama, learned Counsel for the petitioner and Mr. Pilankar, learned Counsel for Respondent No.1 at length.

2. By this Petition under Article 226 and 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 11th May, 2015 passed by the learned Judge, Family Court, Bandra below Exhibit 65 in Petition No.A-1508 of 2010. By that order, the learned trial Judge rejected the application made by the petitioner for deferring the matter for verification and comparison of transcript till Mr. Kamble Commissioner appointed to translate the C.D resumes duty.

3. Mr. Cama invited my attention to paragraph 12 of the impugned order where the trial Judge observed thus;

“In view of the aforesaid rulings, I am of the view that all the documents that are relied upon by the petitioner can be admitted and exhibited”.

He submitted that the finding recorded by the learned Principal Judge gives impression that the learned trial Judge was of the view that the petitioner herein has admitted the contents of the documents relied on by the respondents. It may be clarified that these documents relied on by the petitioner/respondents herein are admitted in evidence and are accordingly exhibited. Contents of these documents are not admitted by the petitioner herein.

4. I find that interest of justice would be served if it is clarified that the observations made in paragraph 12 of the order are to the effect that the documents relied on by the respondents herein are admitted in evidence and exhibited. By admitting documents in evidence and exhibiting the same, the petitioner herein has not admitted the contents of these documents.

5. Learned Counsel appearing for the parties submit that the parties are present in the Court. Upon taking instructions from them, they submit that they will extend full co-operation for early disposal of the trial as this Court had stayed proceedings in the year 2015.

6. In view thereof, subject to above clarification, Petition is disposed subject to condition that the parties will extend full co-operation and will not cause any delay for early disposal of the proceedings. The learned Principal Judge will decide the proceedings on the basis of evidence on record and in accordance with law un-influenced by the observations made in the impugned order. Order accordingly.

[R.G. KETKAR, J.]