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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13424 OF 2018

WITH

WRIT PETITION NO.13425 OF 2018

WITH

WRIT PETITION NO.13428 OF 2018

Jaibhavani Mess through Proprietor
and owners of the Hotel

..Petitioners.

V/s.

Sou. Aparna Shishir Gandhi & Anr.

..Respondents.

Ms.S.M.Dandekar for the Petitioners in WP/13424/2018.

Mr.R.S.Kale for Petitioners in WP/13425/18 & WP/13428 /18.

Mr.R.M.Haridas with Mr.Abhijt for the Respondent.

CORAM: M.S.SONAK, J.

DATE : DECEMBER 7, 2018

P.C.:-

After the above petitions were argued for some time,
the learned counsel for the parties state that they may be disposed
of by following agreed order :-

i) In respect of the under mentioned averment in the

application seeking leave to amend the written statement, the Petitioners shall be permitted to produce by way of evidence under Order 41 Rule 27 of the Civil Procedure Code, only three documents in respect of transactions alleged to have taken place between the year 2017-2018.

The averment reads as follows:-

“ The premises which is adjacent to the suit property, which is in occupation and ownership, the Plaintiff has been give to Hotel Kurvinkop of Shri Kedar Dattatraya Kirvinkop, thereafter to Durga Hotel in 2017 and to Tejas Motors, Owner Tamanappa Surlikar and Sanjay Nimbalkar in the year 2018 having rent of Rs.25,000/- per month. ”

- ii) The Respondent-landlord shall not object to the production of the aforesaid documents / evidence on the ground that there no pleadings in the written statement in support of the same. However, the Respondent-landlord shall have right to raise other objections, including *inter alia* on the ground of veracity and relevancy;
- iii) The Petitioners make a clear statement that other than production of documents as aforesaid, they will not insist

upon either remand to the trial Court or leave to lead any oral evidence before the Appeal Court. Statement is accepted;

- iv) Since the appeal before the Appeal Court is ordered to be expedited and disposed of within six weeks, the Appeal Court is once again directed to dispose of the pending appeals within six weeks from the date of production of this order before it;
- v) All contentions of the parties on merits are kept open for determination by the Appeal Court;
- vi) All parties to appear before the Appeal Court on December 11, 2018 and produce an authenticated copy of this order;
- vii) The Petitioners agree to pay Rs.5,000/- by way of costs in each of the petitions. The same may be paid or deposited before the Appeal Court.
- viii) If the costs are deposited, the Respondent shall be at liberty to withdraw the same unconditionally;
- ix) All the petitions are, therefore, disposed of on the basis of the aforesaid order.

(M.S.SONAK, J.)