

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1366 OF 2018

Ratnadeep Shankar Narkar

...Petitioner

Versus

M/s. Ish Homes Pvt. Ltd.
and others.

...Respondents

....

Ms. Deepti Panda i/b. S.G. Bane, Advocate for the Petitioner.

Mr. Javed Khan Akhtar, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 27th FEBRUARY, 2018

PC.

1. Heard Ms. Deepti Panda, learned counsel for the petitioner and Mr. Javed Khan Akhtar, learned counsel for the respondent, at length.

2. Rule. Mr. Akhtar waives service on behalf of the respondent. Having regard to the narrow controversy raised in this Petition as also at the request and by consent of the parties, Rule is made returnable forthwith and the petition is taken up for final hearing.

3. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 23.10.2017 passed by the learned trial Judge below Exhibit-52 in R.A.E. & R. Suit No.643/1132 of

2008. By that order, the learned trial Judge allowed the application Exhibit-52 made by the respondent/plaintiff and directed the petitioner/defendant No.2 to produce the documents set out in the application dated 6.3.2017.

4. After arguing the matter for some time, Ms. Panda submitted that defendant No.2 is ready and willing to furnish copy of the electricity bills and MTNL bills of the suit premises to the plaintiff within one week from today.

5. In respect of the documents at items No.1, 2, 3, 6, 7 and 8, Mr. Akhtar states that the plaintiff will take out appropriate application setting out therein the relevancy of documents and calling upon defendant No.2 to produce the same. Mr. Akhtar assures that within a week from today the plaintiff will file application and serve copy in advance on the other side. The petitioner/defendant No.2 shall file reply within one week from the receipt of the application.

6. In view thereof, the impugned order is set aside. Liberty to the plaintiff to apply for expeditious disposal of the suit.

7. Rule is made absolute in aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)