

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.5388 OF 2019

Tilak D. Prasad and Anr.	]	Petitioners
Vs.		
Laxmiben Nanji Shah and others.	]	Respondents

WITH

WRIT PETITION NO.5877 OF 2019

Babulal G. Jain	]	Petitioner
Vs.		
Laxmiben Nanji Shah and others.	]	Respondents

WITH

WRIT PETITION NO.5953 OF 2019

Sohanraj S. Jain	]	Petitioner
Vs.		
Laxmiben Nanji Shah and others.	]	Respondents

WITH

WRIT PETITION NO.5963 OF 2019

Tilak D. Prasad and Anr.	]	Petitioners
Vs.		
Laxmiben Nanji Shah and others.	]	Respondents

WITH

WRIT PETITION NO.6621 OF 2019

Hastimal M. Jain @ Soni and Anr.	]	Petitioners
Vs.		
Laxmiben Nanji Shah and others.	]	Respondents

WITH

WRIT PETITION NO.6622 OF 2019

Mukesh B. Inami	]	Petitioner
Vs.		
Laxmiben Nanji Shah and others.	]	Respondents

WITH

WRIT PETITION NO.6623 OF 2019

Amritlal D. Jain] Petitioner
Vs.
Laxmiben Nanji Shah and others.] Respondents
WITH

WRIT PETITION NO.6624 OF 2019

Suresh M. Jain @ Bafna & Anr.] Petitioners
Vs.
Laxmiben Nanji Shah and others.] Respondents
WITH

WRIT PETITION NO.6625 OF 2019

Bharat Shantilalji Jain @ Lodha] Petitioner
Vs.
Laxmiben Nanji Shah and others.] Respondents
WITH

WRIT PETITION NO.6626 OF 2019

M.G. Stany D'Souza] Petitioner
Vs.
Laxmiben Nanji Shah and others.] Respondents

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Mr. Manish Jain i/b S.M. Jain and Associates, Advocate for the Petitioners.
Mr. Ravindra Rajaram Chile, Advocate for the Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 11th JUNE, 2019.

P.C.

Heard Mr. Jain, learned Counsel for the petitioners and Mr. Chile, learned Counsel for the respondents in all the Petitions at length.

2. These Petitions take exception to the orders dated 3rd October, 2018 passed by the learned trial Judge rejecting the applications made by the defendants under section 340 r/w section 195 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.').

3. After arguing the Petitions for quite some time, Mr. Jain submits that he will not press these Petitions and liberty may be reserved to the defendants for filing appropriate applications under section 340 r/w section 195 of the Cr. P.C after evidence of the parties is over. It may be clarified that if such applications are filed, the learned trial Judge will decide these applications un-influenced by the observations made in the impugned orders. Mr. Chile submits that if the Court is inclined to grant such liberty, all the contentions of the respondents/plaintiffs may be kept open.

4. In view thereof, Petitions are disposed of as not pressed reserving liberty to the defendants to file applications under section 340 r/w section 195 of the Cr.P.C after the evidence is over. If such applications are filed, the learned trial Judge will decide the said applications in accordance with law, on the basis of the evidence on record and un-influenced by the observations made in the impugned orders. All the contentions of the parties in that regard are expressly kept open. Order accordingly.

[R.G. KETKAR, J.]