

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 2738 OF 2017

IN

FIRST APPEAL NO. 1231 OF 2013

Smt. Vithabai Jagannath Joncha

(Since deceased) through

her legal Heirs

Shri. Jitendra Jagannath Joncha and Ors.

..... Applicants

V/s.

Smt. Gangabai Ganpat Joncha and Ors.

..... Respondents

.....

Mr. Ameya Kulkarni i/b M/s. Chitnis Vaithy & Co for Applicant.
None for Respondents.

.....

CORAM : K.K.TATED, J.

DATED : 30th AUGUST, 2019

P.C.

1. Heard learned Counsel for the Applicants.
2. Though, the Respondents are duly served, no one appeared on behalf of them, when the matter is called out.
3. By this Civil Application, applicants/defendants are seeking permission to withdraw the copy of ration card tendered by them before the Trial Court being Exh.50.

4. In support of his contention Advocate Mr. Ameya Kulkarni for applicants relied on para-15 of the impugned Judgment and Decree dated 24th July 2013 passed by the Bombay City Civil Court, Bombay, Borivali Division, Dindoshi (Branch) in S.C. Suit No. 2267 of 2004 which reads thus :

15. Defendants have also tendered some documents. Power of Attorney is at Ex.47, Ex.48 are the copies of PR Cards for C.T.S. No.61, 81,82, 82(1), 82(2) 82(3), and 82(4). The sale deed of 1944 is at Ex.49, Ration Cards are at Ex.50. Electricity bill at Ex.51 and water bills are at Ex.52.

5. The learned counsel for the applicants submits that they require the original ration card for renewal of the same. He further submits that applicants undertakes to produce original Ration Card as an when this court called them to do so. He further submits that applicants undertake to place on record. The photo copy of the said ration card duly notarized before taking the original.

6. Considering the submission made by the learned counsel for the applicants and as the ration card tendered by the applicants being Exh.50 in the Trial Court, applicants can be permitted to withdraw the same. Hence following order.

ORDER

- a) Applicants are permitted to take original copy of ration card being Exh.50 from the Trial Court's record and proceeding by placing on record the photo copy of the same duly attested by a notary and also giving undertaking that as and when required by the Court, he will bring back the original copy.
- b) Civil Application stands disposed of accordingly.
- c) No order as to costs.

(K.K.TATED, J.)