

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

**CIVIL APPLICATION NO.3307 OF 2016
IN
FIRST APPEAL NO.1902 OF 2013**

Rajiv Datta .. Applicant

In the matter between

New Akash Ganga Co-operative
Housing Society Limited .. Appellant

Vs.

Municipal Corporation of Gr. Mumbai & Anr. .. Respondents

Ms.Harsha Y. Shah a/w Mr.Shahzad Khajotia for the applicant/
respondent no.2.

Mr.Abhishek Pungliya for the appellant.

None for the respondent no.1.

**CORAM : R.D.DHANUKA, J.
DATE : 19th November 2019**

P.C.:

. By this civil application, the applicant seeks production of four documents described in prayer clause (a) which are marked as Exhibits 45, 33, 53 and 47 according to the applicant. On the other hand, it is the case of the respondents in the civil application that numbers of exhibits marked in prayer clause (a) are not correct.

2. In so far as the documents described at Exhibits 45 and 47 are concerned, learned counsel for the respondents has no objection if

these two documents are produced by the applicant in the proceedings before the Co-operative Court. Statement is accepted.

3. Pursuant to the order passed by this Court, the records and proceedings of the trial Court are produced before this Court. Both the parties have identified two documents which are described as Exhibits 33 and 53 by the applicant i.e. application made by the applicant before the trial Court on 28th April 2013 for taking on record the original plan of the suit premises and plan numbered as Exhibit 33, paginated at 256 and 257 of the records and proceedings.

4. There is serious apprehension of the society that those documents which are sought to be produced before the Co-operative Court may be tampered by the applicant. According to the applicant, there is no basis of such apprehension of the society.

5. In view of these facts, the applicant would be at liberty to apply for issuance of witness summons for production of these documents. If any such witness summons is issued by the Co-operative Court upon the Registrar of this Court, the Registrar of this Court shall depute a person to produce these documents before the Co-operative Court. It shall be made clear by the learned Registrar to the Co-operative Court that those documents shall be returned as and when required by

this Court in this first appeal. It is made clear that this Court has not expressed any views whether all those four documents are exhibited or not and if exhibited, at what number. Civil application is disposed of on aforesaid terms. No order as to costs.

R.D.DHANUKA, J.