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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2898 OF 2019
IN
FIRST APPEAL NO.368 OF 2011

Anantha P. Ksishnan Pottey ...Applicant

IN THE MATTER BETWEEN :

Husseinbi Y. Allarkha Molabux,
since deceased & Ors. ...Appellants

V/s.
Anantha P. Ksishnan Pottey ...Respondent

Mr.Viventra T. Dubey for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 10TH DECEMBER, 2019.

P.C. :-

1. Learned counsel appearing for the applicant states that a copy of the civil application has been served upon the respondents' advocate. Statement is accepted. None appeared for the respondents when the matter was called out. No affidavit in reply has been filed.

2. By this civil application, the applicant seeks an order and direction from this Court to hand over / return the original documents as per Exhibit – I to the civil application. A perusal of paragraph 3 of the civil application indicates that the applicant requires these original documents for producing the same to the City Survey Officer. The

first appeal filed by the original appellants is still pending.

3. Learned counsel for the applicant undertakes to return these original documents as and when directed by this Court. Undertaking is accepted.

4. Office is accordingly directed to hand over the original documents described in Exhibit – I which documents according to the applicant are required to be produced by the applicant before the Trial Court and are transmitted to this Court. Learned counsel also undertakes to file copies of these documents certified as true by the applicant's advocate within one week from today. Office is directed to hand over the original documents described in Exhibit - I to the applicant upon the applicant filing an undertaking in writing to the effect that those original documents would be filed by the applicant as and when directed by this Court and in any event at the time of hearing of the first appeal.

5. The civil application is disposed of on aforesaid terms. There shall be no order as to costs.

6 Applicant and the Office to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)