

IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY**NOTICE OF MOTION NO. 10 OF 2019****IN****PARSI SUIT NO. 1 OF 2018****ALONGWITH****NOTICE OF MOTION NO. 4 OF 2018****IN****PARSI SUIT NO. 1 OF 2018****Kayzad Aspi Marker****..... Applicant/
Org. Defendant****IN THE MATTER BETWEEN****Michelle Kayzad Marker
nee Michelle Fraser****..... Plaintiff****VERSUS****Kayzad Aspi Marker****..... Defendant**

Mrs. Taubon F. Irani, a/w. Ms. Sachi Lodha for the Plaintiff.

Ms. Firoza Kapadia, a/w. Ms. Dhvani Mehta, i/b. DM Law Chambers for the Defendant/Applicant in NMSP/10/2019 and for the Defendant/Applicant in NMSP/4/2018.

CORAM : R.D. DHANUKA, J.**DATE : 16th OCTOBER, 2019****P.C.**

By these two notices of motion the applicant (original defendant) seeks various orders and directions against the original plaintiff as reflected in prayer clause (a) of the notices of motion for production of various documents.

2. The plaintiff has filed an affidavit in reply affirmed on 7th October,2019.

3. It is the case of the plaintiff that whatever documents were in the custody of the plaintiff and some of the documents which are found relevant according to the plaintiff are produced in response to this notice of motion filed by the defendant. It is submitted by Mrs.Irani, learned counsel for the plaintiff that if this court directs the plaintiff to produce the documents relating to income tax returns or any financial documents to the defendant, it should be made clear that the defendant shall not misuse those documents in any other proceedings. Statement is accepted. Insofar as Notice of Motion No. 4 of 2018 is concerned, her client has produced some of the documents.

4. Insofar as Notice of Motion No.10 of 2019 is concerned, she is willing to handover the photocopies of the some of the documents which are in her custody, which may be relevant for the purpose of deciding interim application for maintenance to the defendant's advocate provided the defendant does not misuse those documents in any other proceedings. Statement is accepted.

5. In rejoinder, learned counsel for the defendant submits that the

copies of documents sought from the plaintiff in Notice of Motion No.4 of 2018 are also not furnished by the plaintiff so far.

6. The plaintiff is directed to furnish copies of the documents which according to her are already produced to the defendant's advocate within one week from today.

7. The copies of additional documents which are to be furnished by the plaintiff pursuant to the order passed by this court in Notice of Motion No. 10 of 2019 shall also be furnished to the defendant's advocate within one week from today.

8. It is made clear that the defendant shall not misuse those documents, the copies whereof would be furnished to the defendant pursuant to this order in any other proceeding.

9. It is also made clear that if it is found at the time of trial that any of the documents which were though were in the custody of the plaintiff but were not furnished on the ground that the same were not available with the applicant, consequences as provided in law would follow.

10. Notice of Motion No.4 of 2018 and Notice of Motion No. 10 of 2019 are disposed of on the aforesaid terms.

11. Both the notices of motion are disposed of for the reasons recorded aforesaid. It is made clear that none of the parties accept the allegations made against each other. The correctness of the allegations would be considered while hearing Notice of Motion No. 2 of 2018.

[R.D.DHANUKA, J.]