

IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY**NOTICE OF MOTION NO. 8 OF 2018
IN
PARSI SUIT NO. 1 OF 2018****Michelle Kayzad Marker
nee Michelle Fraser****..... Applicant****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/Applicant in NMSP/8/2018.

Ms.Firoza Kapadia, a/w. Ms.Dhwani Mehta, i/b. DM Law Chambers for the Defendant.

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

By this notice of motion the applicant (original plaintiff) seeks production of the documents mentioned in paragraph 5(i) to (xxii) from the defendant. The defendant has filed affidavit in reply to this notice of motion and has disclosed some of the documents out of these 22 documents requisitioned by the applicant in the notice of motion.

2. It is the case of the defendant that the remaining documents are either not available with the defendant or are not relevant for the

purpose of deciding notice of motion for seeking interim maintenance.
Statement is accepted.

3. Mrs.Irani, learned counsel for the applicant does not dispute that some of the documents referred to paragraph (5) of the Notice of Motion No. 8 of 2018 are furnished.

4. It is made clear that whatever documents are already furnished by the defendant to the applicant, the same would be considered if are found relevant for the purpose of deciding the application for interim maintenance.

5. If at the time of trial, it is found that some of the documents which were though found in the custody of the defendant were not produced contending that the same were not available with the defendant, the consequence for making such incorrect statement, if any, would follow.

6. It is made clear that the documents which are produced by the defendant in response to the notice of motion filed by the applicant, shall not be misused by the plaintiff in any of the proceedings.

7. The plaintiff is permitted to file affidavit in rejoinder with the office of the learned Prothonotary and Senior Master of this court within one week from today.

8. Notice of motion is disposed on in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]