

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1516 of 2019.

IN

SUIT No.717 of 2013.

Zainab Rafiulla Shaikh

..Applicant.

In the matter between:-

Puthenveedu Joseph Mathew

..Plaintiff.

Vs

Kurian Thomas & Ors

..Defendants.

Mr. Simil Purohit a/w Mr. Arshil Shah, Mr Pariket Shah, Ms Sneha Vani, Ms Jaini Shah and Mr Vishal Raman i/b Mr. E.A. Sasi for Plaintiff / Applicant.

Ms. Tanmayi Rajadhyaksha a/w Mr. Dinesh Parmar i/ b DSR Legal for defendant No. 2.

Ms. Zainab R Shaikh, Defendant No 3 / Applicant to the Notice of Motion present in-person.

Mr. N.A. Bandonkar, IInd Asstt to Court Receiver present.

CORAM : B. P. COLABAWALLA, J.

DATED :- 5th July, 2019.

P.C. :-

1. This Notice of Motion has been filed by the applicant (original defendant No.3) seeking a direction against the plaintiff to give inspection of documents referred to and relied upon by the plaintiff in the present suit as well as to furnish copies thereof. The

learned Advocate appearing on behalf of the plaintiff has stated before me that all the documents which had been relied upon in the plaint are lying with the police in the investigation carried out by them regarding the complaints filed by defendant Nos. 2 and 3 against each other. He therefore states that he is not in possession of the originals. This position is refuted by defendant No.3 who is present in-person.

2. Be that as it may, it is directed that defendant No.3 shall be entitled to take inspection of all documents that are relied upon in the plaint and which are in the possession of the police. It is further made clear that if any other documents are relied upon in the plaint and the originals of which are in the custody of the plaintiff, the inspection of the same shall be given by the Advocates for the plaintiff. The inspection of the same shall be given by the Advocates for the plaintiff to the Advocates of defendant No.3 on a mutually agreed date and time. The Notice of Motion is accordingly disposed of. No order as to costs.

(B.P. COLABAWALLA, J.)