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

WRIT PETITION NO.46 OF 2020

Murji Kanji Patel	... Petitioner
Versus	
Sandeep Raju Naik and Ors.	...Respondents

**WITH
CIVIL INTERIM APPLICATION NO.1 OF 2020
IN
WRIT PETITION NO.46 OF 2020**

Murji Kanji Patel	... Applicant
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IN THE MATTER BETWEEN

Murji Kanji Patel	... Petitioner
Versus	
Sandeep Raju Naik and Ors.	...Respondents

Mr. Amogh Singh a/w Mr. B. R. Bhatia, Mr. Abhishek Mishra and Mr. Vatsal Chorera, for the Petitioner/Applicant.

Mr. B. D. Joshi i/b Mr. V. V. Pethe and Ms. D. S. Pawar, for the Respondent No.1.

Mr. Santosh Parad, for the M.C.G.M.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JANUARY, 2020

P.C. :

1. After arguing for some time, learned counsel for the petitioner does not press this petition and seeks leave to withdraw the same.

2. As far as impugned order dated 2nd January, 2020, passed by the learned Additional Chief Judge, Court Room No.18, Small Causes Court, Mumbai, below Exhibit – 59 is concerned, the learned counsel for the petitioner very fairly does not press the same.

3. As far as impugned orders dated 2nd January, 2020, passed by the learned Additional Chief Judge, Court Room No.18, Small Causes Court, Mumbai, below Exhibits – 57 and 61 are concerned, learned counsel for the petitioner also does not press this petition, *qua* the said orders.

4. This Court today in the morning session, whilst deciding Writ Petition No.410 of 2020, partly allowed the said petition, inasmuch as, the petitioner was permitted to examine two witnesses i.e. Witness No.5 – Santosh Giri and Witness No. 6 – Vishal Nichite, essentially on the point of undisclosed assets by the respondent no.1.

5. Needless to state, that during the examination of the said two witnesses, it is open for the petitioner to bring on record, admissible and relevant documents with respect to the undisclosed assets of the respondent no.1, if they so desire. If the admissibility and relevancy of the said documents is objected to by the respondent no.1, the trial Court to decide

the same. The learned Judge to permit the relevant documents with respect to the undisclosed assets, to be brought on record, subject to what is stated aforesaid, uninfluenced by the earlier orders passed below Exhibits – 57 and 61. The learned Judge to commence with the evidence of the witnesses – Santosh Giri and Vishal Nichite on Monday, 20th January, 2020 and conclude their evidence, as expeditiously as possible and in any event by 23rd January, 2020, unless the learned Judge for reasons beyond his/her control is unable to decide the same within the stipulated time. The learned Judge to thereafter hear the final arguments and conclude the same by 31st January, 2020. Both the parties agree to co-operate in the expeditious disposal of the said trial.

6. Petition is accordingly disposed of on the aforesaid terms.

7. In view of the aforesaid, the Interim Application being Civil Interim Application No.1 of 2020, does not survive and the same is also disposed of.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.