

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 10407 OF 2015**

Brezil Dumin Dcunha	
through Power of Attorney Holder	
Greta Brezil Dcunha	...Petitioner
Versus	
Christina Joseph Carvalho & Ors.	...Respondents

Ms. Krupali Hiren Rajani for the Petitioner

Mr. Anil D'Souza for the Respondent Nos. 1 to 5

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th FEBRUARY 2020

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 23rd September 2015 passed by the learned Civil Judge, Junior Division, Vasai, below Exhibit 185 in R.C.S. No. 245 of 2002, by which the trial Court rejected the petitioner's application seeking re-issuance of summons to the Tahsildar for bringing the *Peek-Pahani* Register on record.

3 Learned counsel for the contesting respondents i.e. respondent Nos. 1 to 5 fairly states that he has no objection if the aforesaid impugned order is quashed and set-aside. He submits that he has no objection if the

summons are reissued to the Tahsildar for bringing the *Peek-Pahani* Register and for his examination, however, the relevance or otherwise of the evidence of the Tahsildar to be considered at the time of the final arguments.

4 Learned counsel for the petitioner states that she has no objection if the relevance of the evidence of the Tahsildar is kept open, to be considered by the trial Court at the time of final arguments.

5 In view of the aforesaid, order dated 23rd September 2015 passed by the learned Civil Judge, Junior Division, Vasai, below Exhibit 185 in R.C.S. No. 245 of 2002, is quashed and set-aside.

6 The learned Judge to reissue summons to the Tahsildar in terms of Exhibit 163. The relevance or otherwise of the evidence of the Tahsildar to be considered by the trial Court at the stage of final arguments. All contentions of all parties are kept open.

7 Petition is disposed of in the above terms. It is made clear that this Court has not considered the aforesaid petition on merits and has set-aside the impugned order, by consent.

8 Considering that the case is of the year 2002, parties request for expediting the said Suit. Since the Suit is of the year 2002, the trial Court is requested to conclude the same as expeditiously as possible and in any event, within nine months from the date of receipt of this order.

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

REVATI MOHITE DERE, J.