

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1563 OF 2016****IN****SECOND APPEAL NO. 444 OF 2017**

Rajesh Vishnu Koli and Anr.

... Applicants/Appellants

V/s.

Hema Shashikant Koli and Anr.

... Respondents

Mr.V. S. Talkute, Advocate for Applicants.

Mr. Nusrat Shah a/w Mr. Kevin Gala, Ms. Samaa Shah, Ms. Archana Jha & Ms. Meenal Barge i/b. Naazish Shah for Respondent Nos.1 and 2.

CORAM : A.S. GADKARI, J.**DATE : 3rd DECEMBER, 2021.****P.C. :**

1. The Trial Court while dismissing the suit has categorically observed that, the Respondent No.1/original Plaintiff No.1 is not reliable witness and is suppressing material facts from the Court. She in fact even refused to identify her own signature on the *Vakalatnama* of Advocate Bhoir. Trial Court has further observed that, the Plaintiff No.1 was avoiding to give proper answers to the questions put to her at the time of recording of evidence. The Appellate Court without taking into consideration this basic fact of reliability of a witness i.e. Respondent No.1/original Plaintiff No.1, has proceeded to allow the suit filed by the Respondent No.1/original Plaintiff No.1.

2. In view thereof, interim relief in terms of prayer clause (a).
3. Civil Application is accordingly disposed off.

[A.S. GADKARI, J.]

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