

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7808 OF 2017

Ravi Jagannath Agarwal Petitioner

Vs.

Mr. Amritlal Narsibhai Shah & Ors. Respondents

Mr. Javed A. Khan for Petitioner

Mr. Harish R. Pawar for Respondent Nos. 2, 4 to 6, 8,9,11,13 to 23.

Mr. Om Suryawanshi a/w Shilpa Redkar for Respondent No. 27- MCGM

Coram : NITIN W. SAMBRE, J.

Date : 25th AUGUST, 2021

P.C.:

1. After having heard respective counsel for some time, this Court is in agreement with the findings recorded by the Court below on the issues viz. exhibiting the documents, which are produced by the Petitioner from Serial Nos. 1 to 10 alongwith list of documents produced at page 32, Exhibit C to this petition, which I am informed to be part of the record of the City Civil Court.

2. However, having regard to the fact that the evidence of the

Petitioner is yet to commence, he is at liberty to take corrective steps in regard to the said documents i.e. he is granted liberty to produce certified copies.

3. As far as documents from Serial Nos.11 to 24 are concerned, it is the contention of the Petitioner that originals of these documents are produced alongwith list of documents while placing on record affidavit of examination-in-chief.

4. Admittedly, the Court below has not dealt with independently about the admissibility of these documents in evidence particularly as to whether such documents are original or photocopies and if are to be exhibited.

5. In view of above, in my opinion, case for remand is made out. As such, the order impugned dated 7th June, 2017 passed by learned City Civil Court, Mumbai on the issue of exhibiting the documents of the Petitioner- Defendant No. 3 is hereby quashed and set aside.

6. The Petitioner is granted liberty to place on record the certified copies of the documents if so desired, which are admissible in evidence within a period of six weeks from today. No further time will be granted to the Petitioner-Defendant No. 3 to produce these documents as the Suit is pending since 2004.

7. Once such documents are produced on record, it is expected of the Court below to deal with issue of execution and admissibility of the said documents by a reasoned order.

8. The Petition is disposed of in above terms.

9. Hearing of the Suit is expedited.

(NITIN W. SAMBRE, J.)