

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.2696 OF 2021  
IN  
FIRST APPEAL NO.2509 OF 2011**

Shakti Sikandarlal Kapoor and Anr. ...Applicants  
vs.  
Municipal Corporation of Greater Mumbai ...Respondent

Ms. Lakshmi Bussa i/b. M.V. Kini & Co., for the Applicants.  
Smt. Shilpa Redkar, for the Respondent-MCGM.

**CORAM : N. J. JAMADAR, J.  
DATE : OCTOBER 05, 2021**

**P.C.:**

1. Heard the learned counsel for the applicants and learned counsel for the respondent-MCGM.

2. The applicants have preferred this application seeking return of the documents which were tendered by the applicants/plaintiff in L.C.Suit No. 3387 of 2002. The said suit was instituted by the applicants assailing the legality, propriety and correctness of notice issued by the defendant/appellant/Corporation under section 351 of the Mumbai Municipal Corporation Act. The said suit was decreed by the judgment and order dated 7<sup>th</sup> October, 2010, which is assailed by the appellant/ Corporation in the instant appeal.

3. For the reasons assigned in the application and having regard to the nature of the dispute, there does not seem any impediment in

VISHAL  
SUBHASH  
PAREKAR

Digitally signed  
by VISHAL  
SUBHASH  
PAREKAR  
Date: 2021.10.06  
18:06:04 +0530

ordering the return of the documents as enumerated in the List of Documents (Exhibit B) subject to the applicants furnishing true copies of those documents for the record.

4. The application stands allowed in terms of the prayer clause (a) subject to furnishing true copies of those documents and an undertaking to produce the original documents as and when directed.

**(N. J. JAMADAR, J.)**