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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1830 OF 2022**

M/s Pawar Builders, Promoters and
Developers Through
Partner Dattatraya Dhondiba Pawar and Anr. ...Petitioners.

V/s

Vishwanth Janardhan Jannu and Ors.Respondents

Mr. Rahul S. Kadam for the Petitioners.
Mr. Rahul Karnik for Respondent No.1.
Mr. Vishwanath Patil for Respondent No.2 – PMC.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2022

P.C.:-

1] Respondent No.4(B) is reported to be dead. As such, Mr. Kadam learned Counsel for the Petitioners informs that he shall not press the Petition against the said Respondent. Order accordingly at the risk and peril of the Petitioners.

2] Having heard respective Counsels, what can be noticed is, Petitioner has laid a foundation in Written Statement about parting consideration to the Plaintiffs in exchange of execution of the Power of Attorney, thereby vesting possession and title in the Petitioners-Defendants.

3] This Court needs to be sensitive to the fact that Trial Court has

permitted the Petitioners/Defendants to produce Power of Attorney but for aforesaid money receipts though there is foundation to that effect noticed in the Written Statement. As such, Petitioners are permitted to produce the document viz Power of Attorney but not the money receipts for which there is no logical convincing reason coming forth.

4] In the aforesaid backdrop, in my opinion, even if Petitioners have moved a prayer for production of such receipts of consideration at belated stage i.e. after conclusion of evidence of Plaintiffs, no prejudice will be caused to the Respondents/Plaintiffs if Petitioners are permitted to produce on record money receipts which are at Serial Nos.1, 3 to 39. It shall be always open to the Respondents/Plaintiffs to cross-examine the Petitioners/Defendants on the said issue.

5] That being so, impugned order passed below Exhibit-263 stands modified, thereby quashing clause 3 of the said order dated 04/12/2019 passed in Civil Suit No.1377 of 2005 below Exhibit-263. Petitioners are permitted to produce the documents which are enlisted at Serial Nos. 1, 3 to 39 subject to Respondents/Plaintiffs withdrawing costs of Rs 25,000/- deposited in this Court.

6] Petition stands allowed in the aforesaid terms.

(NITIN W. SAMBRE, J.)