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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 11783 OF 2013

M/s. Rock Enterprises

... Petitioner.

Versus

Balkrishna Khushalchand Mantri & Ors.

... Respondents.

Mr. P. B. Shah, Advocate i/by Kayval P. Shah for the Petitioner.

Mr. Tejesh Dande, Advocate a/w. Vishal Navale, Bharat Gadhavi & Chinmay Deshpande i/by Tejesh Dande & Associates for Respondents 1 and 2.

Ms. Shivani Bhate, Advocate i/by Sonal Doshi & Co. for Respondents 3 to 5.

CORAM : ROHIT B. DEO, J.

DATE : JUNE 30, 2022

P.C. :-

1. The order impugned rejects the Application preferred by the Petitioner herein under Order 1 Rule 10 (2) of the Code of Civil Procedure 1908.

2. During the course of hearing, it has transpired that certain documents which ought to be looked into are not on record.

3. I am consciously avoiding reference to the documents and its, prima facie, import and implications, lest any party is prejudiced. Suffice it to observe that the order impugned will have to be set aside and is accordingly set aside and the learned trial Judge is requested to decide the Applications Exhibits 59 and 75 under order 1 Rule 10(2) preferred by the Petitioner afresh after permitting the parties to place on record such additional documents as deem fit.

4. The parties shall appear before the learned trial Judge on 11th July, 2022, without waiting for formal notice.

5. The parties shall place on record copy of this order in the trial Court.

6. The learned trial Judge is requested to decide the Applications Exhibits 59 and 75 expeditiously within six weeks.

7. The Petition is disposed of in the aforesaid terms.

(ROHIT B. DEO, J.)

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