

SHALIKRAM
PRALHADRAO
BOREY

Digitally signed
by SHALIKRAM
PRALHADRAO
BOREY
Date:
2022.07.26
19:59:23
+0530

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

WRIT PETITION 8592 OF 2022

1. Mr. Allan Mathew Misquita & Others. ... Petitioners.

V/s.

1. M/s. Gufic Lab, a proprietary concern ... Respondents.
substituted as M/s. Gufic Private Limited,
Mumbai & Ors.

**WITH
WRIT PETITION 8593 OF 2022**

1. Allan Mathew Misquita & Ors. ... Petitioners.

V/s.

1. M/s. Gufic Lab, a proprietary concern ... Respondents.
substituted as M/s. Gufic Private Limited,
Mumbai & Ors.

**WITH
WRIT PETITION 8594 OF 2022**

1. Allan Mathew Misquita & Ors. ... Petitioners.

V/s.

1. M/s. Gufic Lab, a proprietary concern ... Respondents.
substituted as M/s. Gufic Private Limited,
Mumbai & Ors.

**WITH
WRIT PETITION 8595 OF 2022**

1. Allan Mathew Misquita & Ors. ... Petitioners.

V/s.

1. M/s. Gufic Lab, a proprietary concern ... Respondents.
substituted as M/s. Gufic Private Limited,
Mumbai & Ors.

**WRIT PETITION WITH
8596 OF 2022**

1. Allan Mathew Misquita & Ors. ... Petitioners.

V/s.

1. M/s. Gufic Lab, a proprietary concern ... Respondents.
substituted as M/s. Gufic Private Limited,
Mumbai & Ors.

**WRIT PETITION WITH
8597 OF 2022**

1. Allan Mathew Misquita & Ors. ... Petitioners.

V/s.

1. M/s. Gufic Lab, a proprietary concern ... Respondents.
substituted as M/s. Gufic Private Limited,
Mumbai & Ors.

Mr. Anand R. Kandoi, Advocate a/w. K. Gala for the
Petitioners in all petitions.

Mr. Amogh Singh, Advocate i/by Jeet Gandhi for the
Respondent -1.

Mr. Pankaj Dwivedi, Advocate for Respondent 2(a) to 2(e) in
WP-8597/2022.

CORAM : ROHIT B.DEO, J.

DATE : JULY 22, 2022

PC :

1. These petitions assail the common order passed by the learned City Civil Court, Mumbai, in Notice of Motion 686 of 2022 alongwith Notices of Motion 687 to 691 of 2022, whereby the said Notices of Motion in Chamber Summons are rejected.

2. The notices of motion in the suits were taken out by plaintiffs 3 to 7, seeking a direction to plaintiff-1 to produce the original title document and other relevant documents pertaining to the suit land and grant of inspection.

3. Plaintiff -1 filed affidavit in response, contending that on 29.01.2022, the Advocate for plaintiffs 3 to 7 and the Advocate for defendant-1 attended the office of the Advocate for plaintiff -1 for inspection of documents referred to and relied upon by the plaintiff -1 in chamber summons. It is further contended that the advocate for plaintiffs 3 to 7 demanded inspection of original of documents and he was

informed that the title documents of the suit property are deposited with IDBI Trusteeship Services Ltd., as the property is mortgaged with the ICICI Bank. Plaintiff 1 contended that the Advocate for plaintiffs 3 to 7 was shown the letter received from IDBI Trusteeship Services Ltd..

4. Plaintiffs 3 to 7 joined issues with the contention of plaintiff -1 that the originals of certain documents are not in the custody of plaintiff-1. Plaintiffs 3 to 7 claim that the contention that the originals are not available is false and indeed fraudulent.

5. The learned trial Judge considered the provisions of Order 11, Rule 14 of the Code of Civil Procedure, 1908 (Code) and recorded a prima facie finding that the originals of documents are not in the custody of plaintiff -1 and the veracity of the rival contentions will have to be tested on the basis of the evidence. Certain other observations are made in the order impugned. I need not delve deeper since in my considered view, if the litigant states on oath that the original documents are not in his custody, there is precious

little that can be done. It is obvious that at this stage such statement on oath will have to be taken at its face value. It is needless to observe that if after recording of the evidence the statement is found to be false or fraudulent, there would be consequences which shall ensue.

6. I see no reason to interfere in writ jurisdiction.

7. Petitions are dismissed.

(ROHIT B. DEO, J.)

.....