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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION No. 290 OF 2023

IN

FIRST APPEAL No. 1527 OF 2010

Jagannath Sakharam Upade ...Applicant

Vs.

Smt. Anita Shripat Patekar and Ors. ...Respondents

Ms. Vrishali Raje for Applicant

None for Respondents

CORAM : SANDEEP K. SHINDE, J.

TUESDAY 10TH JANUARY, 2023

P.C. :

1. Applicant's s Suit No. 5985 of 1997 was dismissed by the Judge, City Civil Court, Bombay on 25th March, 2010. In the said suit, the documentary evidence produced by the Applicant-Plaintiff; at Exhibit-24, Exhibit- 24-A, Exhibit-14 (Colly.) and Ration Card forms part of the record, in the First Appeal No. 1527 of 2010 preferred against the decree in S.C. Suit No. 5985 of 1997. The record in the said suit is with Registry of this Court.

2. Applicant, is a Defendant in the suit filed by Smt Anita Patekar (respondent No.1) herein in being L.C. Suit No. 143 of 2016 pending in the Court of Small Causes Court at

Mumbai. Applicant's request is to return and hand over the above exhibits to him for tendering it as evidence in L.C. Suit No. 143/2016.

2. Learned counsel for the Applicant informs the Court that the Trial Court has declined to mark the certified copies of the above documents and for that reason, the Applicant seeks return of the originals above exhibits.

3. In consideration of the above facts, Registry is directed to return the documents; Exhibit-24, Exhibit-24A, Exhibit -14 (Collectively) and Ration Card a part of record of the First Appeal No. 1527 of 2010 to the Appellant in accordance with paragraph 528 of Chapter 27 of the Civil Mannual. Accordingly Interim Application is allowed, and disposed of.

(SANDEEP K. SHINDE, J.)