

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

WRIT PETITION NO.2352 OF 2023

Mihir Ashok Sampat Petitioner
Vs.
Gopaldas and Co. Mazgaon and Ors. Respondents

Mr. Karl Tamboly a/w. Ms. Neveille Mukerji and Mr. Asim Tirmizi
i/b Veritas Legal for the Petitioner.

Mr. Chaitanya Chavan a/w. Mr. Sagar Parab, Ms. Siddhi Kadam
i/b Vigil Juris for Respondent Nos.1 to 3.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 11 JULY 2023.

P. C.

1. The petition questions the order dated 5/2/2020 allowing the Chamber Summons permitting the applicant to bring on record original partnership deeds dated 17/4/2010 and 26/11/2014 as Exhibit A-1 and E-1 to the plaint.

2. Heard Mr. Karl Tamboly for the petitioner, Mr. Chaitanya Chavan for Respondent Nos.1 to 3.

3. Mr. Tamboly submits that by the impugned order, Chamber Summons was allowed by the trial Court and as such it is

construed that the application of the plaintiff which was for substituting the original partnership Deeds has come to be allowed. He would further submit that this Court *vide* order dated 31/10/2017 passed in Chamber Summons No.132/2017 in Commercial Suit No.131/2017 had permitted to bring on record the partnership Deeds of 2010 and 2014 in addition to the deeds which were already on record. He would submit that the City Civil Court has permitted the plaintiff to replace earlier ones with the subsequent Deeds of partnership.

4. It is not necessary for this Court to delve into the merits of the impugned order for the reason that learned counsel appearing for respondent submits that the trial Court has permitted the plaintiffs to bring on record copies of the partnership deeds at Exhibit A-1 and E-1 and he does not seek to replace or substitute the initial partnership Deeds of 2010 and 2014 which are already on record. He would further submit that same course of action which was adopted by this Court on 31/10/2017 has been followed by the trial Court.

5. In light of submissions, it is now clarified that the plaintiffs are permitted to bring on record the partnership deeds dated 17/4/2010 and 26/11/2014 in addition without replacing or substituting the partnership deeds filed earlier along with the plaint.

6. In that view of the matter, there is no need for further consideration. Writ Petition stands disposed of.

SHARMILA U. DESHMUKH, J.