

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

WRIT PETITION NO. 4002 OF 2023

Radheshyam Jangad .Petitioner
Versus
Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. .Respondents

**WITH
WRIT PETITION NO. 4004 OF 2023**

Nemichand Giridharilal Gupta .Petitioner
Versus
Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. .Respondents

**WITH
WRIT PETITION NO. 4005 OF 2023**

Suresh Babu Diwakar .Petitioner
Versus
Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. .Respondents

**WITH
WRIT PETITION NO. 4006 OF 2023**

Mukesh Surjaram Khawal .Petitioner
Versus
Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. .Respondents

Mr. Mohit Jadhav, a/w Ms. Megha Shigavan, Mr. Shubham Shinde, Advocate, for the Petitioners
Mr. Ashok Kumar Dubey i/b. SAVJ Law Solutions, Advocate, for Respondent Nos. 1 to 4
Mr. Birendra Saraf, Advocate General a/w Mr. P.P. Kakade, Govt. Pleader for Respondent No.6 – State
Mr. Dharmesh Joshi i/b. T.D. Joshi and Associates, Advocate, for Respondent No.7
Mr. G. N. Salunke, i/b. Ms. Savita Yadav, Advocates, for Respondent No.8
Mr. Girish Godbole, Senior Counsel - Amicus Curiae
Mrs. Shonali Dighe, Commissioner for Taking Accounts – present
Mr. Satish Pralhad Sakla, Respondent No.3 present in-person
Ms. Manisha Pandurang More, Respondent No.7 present in-person
Mr. Sagar Shamrao Pawar, Respondent No.8 present in-person

CORAM : MADHAV J. JAMDAR, J.
DATED : 25th JULY 2023

P. C.

1. Heard the learned Counsel appearing for the respective parties. Dr. Birendra Saraf, learned Advocate General and Mr. Girish Godbole, learned senior Counsel as *Amicus Curiae* appointed in these Writ Petitions assisted the Court.

2. In all these Writ Petitions, the impugned Orders are passed on the Application seeking leave for production of additional documents. By the impugned Orders, the learned Judge, Small Causes Court, Bandra Branch allowed the said production of additional documents and the matters were kept for hearing on admissibility of the said documents.

3. This Court, by earlier Order dated 30th March 2023, dismissed all the Writ Petitions. However, on the very day i.e. 30th March 2023, the learned Prothonotary and Senior Master, High Court, Original Side, Bombay received a complaint dated 30th March 2023 made by Mr. Vishwambhar Parkar, Advocate, *inter alia*, bringing to the notice of the learned Prothonotary and Senior Master that the Orders which are sought to be produced as additional documents before the learned Judge, Small Causes Court, Mumbai are fraudulent documents viz. forged and fabricated Order purported to have been passed by the High Court. Therefore, the said Order dated 30th March 2023 passed in the morning session of dismissal of the Writ Petitions was recalled and the Writ Petitions were restored to the file.

4. Thereafter, this Court has passed further Orders on 10th April 2023, 17th April 2023, 25th April 2023, 28th April 2023 and 4th May 2023. Pursuant to Order dated 4th May 2023, Smt. Shonali K. Dige, Commissioner for Taking Accounts, High Court (O.S.), Bombay filed a Criminal Complaint No.CC/2429/Misc./2023 in the Court of the Metropolitan Magistrate, Esplanade Court, Mumbai.

5. The learned Metropolitan Magistrate, 64th Esplanade Court,

Mumbai by Order dated 12th July 2023 directed the concerned Police Station to conduct an inquiry, as contemplated under Section 202 of the *Code of Criminal Procedure, 1973* and submit a report within two months from the date of the Order.

6. Mr. Dubey, learned Counsel appearing for the Respondent Nos. 1 to 4 stated on instructions that at this stage, said Respondents have accepted that the Orders which were produced along with Application seeking leave to produce the additional documents are fraudulent Orders. This Court in several earlier Orders passed in these Writ Petitions and more particularly, in Order dated 4th May 2023 considered the aspect that Orders which were produced along with Application seeking leave to produce the additional documents are fraudulent Orders. Accordingly, the impugned Order in respective Writ Petitions dated 1st August 2022 allowing Application seeking leave to produce documents in respective Suits is quashed and set aside and the respective Applications filed by the Plaintiffs in respective Suits seeking leave to produce additional documents is dismissed.

7. At this stage, Mr. Dubey, learned Counsel appearing for the Respondent No. 1 to 4 on instructions of Mr. Satish Pralhad Sakla,

who is Respondent No. 3 and constituted attorney of Respondent Nos. 1, 2, 4 and 5 states that he has instructions to withdraw the Application seeking leave to produce additional documents filed in all the 12 Suits including the Suits which are subject matter of above Writ Petitions. Accordingly, the said Applications are dismissed as withdrawn. Mr. Dubey, learned Counsel states that the said statement has been made on the instructions of Mr. Satish Sakla, who is personally present in the Court. He states that the Affidavit recording said statement will be filed in this Court during the course of the day.

8. This Court by Order dated 17th April 2023 has called the record of 8 Suits which are mentioned in paragraph no. 4 of the Order dated 17th April 2023. By Order dated 30th March 2023, record of 4 Suits which are subject matter of these Writ Petitions were called. In view of the above, Writ Petitions are allowed and disposed of accordingly.

9. As the Writ Petitions are allowed finally, the record of 4 Suits which are subject matter of these Writ Petitions as well as the record of 8 Suits which are mentioned in paragraph no. 4 of the Order dated 17th April 2023 be sent back to the Small Causes Court, Bandra Branch, Mumbai. However, the Registrar, Small Causes Court,

Mumbai to ensure that the records of all these 12 Suits are kept safely in proper custody.

10. The learned Metropolitan Magistrate, 64th Court, Esplanade, Mumbai is requested to expeditiously proceed with Complaint bearing C.C. No.2429/Misc./2023. If the documents which are part of the record of all these 12 Suits are required by the Investigating Officer or by the concerned Metropolitan Magistrate, then the concerned Judge of the Small Causes Court, Mumbai shall hand over the said documents in accordance with the applicable provisions of law.

11. This Court places on record the appreciation for assistance rendered by Dr. Birendra Saraf, learned Advocate General and Mr. Girish Godbole, learned *Amicus Curiae*.

12. The Writ Petitions are allowed in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]