

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5370 OF 2017
WITH
INTERIM APPLICATION NO. 2979 OF 2022
WITH
CIVIL APPLICATION NO. 175 OF 2018

Manjusha Rajendra More & Ors.

.. Petitioners

Versus

Hemant Dhondiba Bhalekar & Ors.

.. Respondents

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- Mr. G.S. Godbole, Senior Advocate i/by Ms. Ketki Gadkari and Ms. Shivani S. Samel for Petitioners
- Mr. Balasaheb G. Ligade for Respondent Nos. 1 to 6
- Mr. Rushikesh C. Barge for Respondent Nos. 10, 13 to 15

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2023

P.C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** Perused the impugned order dated 04.03.2017 passed in M.C.A. no. 146 of 2016.
- 3.** It is informed that the evidence of both the parties in the suit before the learned Trial Court is partly completed. Be that at it may, in the present case, the Interim Applications have been taken out by the Petitioners, *inter alia*, making a serious complaint about perjury i.e. Respondents annexing a copy of the order dated 18.01.2016 to be an order passed by the Court. Today the learned Advocates appearing for the parties are *ad idem* that such an order was never passed by

any Court and it is admittedly a forged and fabricated order. Several orders have been passed by this Court wherein notices have been issued to one Advocate Mr. S.B. Sayyed as also bringing on record the name of Mr. Kriplani who is present in Court and had communicated with Advocate Mr. Sayyed.

4. Be that as it may, the learned Trial Court is directed to proceed with the trial in the pending suit without the rights of the parties being affected by any orders that would be passed in the Interim Applications taken out by the Petitioners. That apart, it is clarified that the Trial Court shall also not be influenced by any of the observations made in the impugned order. Considering that the issue relating to forgery of the Court order as alluded to herein above is a serious issue, issue notice to Advocate Mr. S.B. Sayyed.

5. Record indicates that the Judgment dated 18.01.2016 was received by the Respondents on email from Mr. Sayyed. Record also indicates that Mr. Sayyed happens to be in-house Advocate of Respondents and has also used the Respondents' office address as his own office address. Mr. Kriplani incidentally is the person who takes care of the entire litigation in the office.

6. Hence, issue notice to Advocate Mr. S.B. Sayyed. Mr. Sayyed is directed to remain present in the Court on the next date. Parties to provide address of Advocate Mr. Sayyed. Petitioners to

serve a copy of this order on Advocate Mr. Sayyed.

7. In view of the request made by both the learned Advocates appearing for the parties, learned Trial Court is requested to dispose of the pending civil Suit within a period of six months from today.

8. Both the Interim Applications shall be heard on **8th March, 2023.**

9. With the above direction, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

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AMBERKAR
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by RAVINDRA
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