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

WRIT PETITION NO. 8540 OF 2023

Varinder @ Rajan Darshan Khanna & Anr. ...Petitioners

Versus

Raajesh Darshan Khanna & Ors. ...Respondents

Mr. Ghanshyam Mishra, for the Petitioners.

Mr. Ashish V. Mishra, for Respondent No.1.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 18th JULY 2023**

P.C. :

1. Heard Mr. Ghanshyam Mishra, learned counsel appearing for the Petitioners and Mr. Ashish Mishra, learned counsel appearing for Respondent No.1.

2. By the present Writ Petition, the Petitioners have impugned order dated 28th June 2023 passed by the Revisional Court of Small Causes at Bombay, by which the said Revision was dismissed. In the said Revision, order dated 2nd May 2023 of the learned Judge, Small

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Causes Court, Mumbai was challenged. By the said impugned order dated 2nd May 2023, application for dismissal of Plaintiff's suit for want of prosecution under Order XI Rule 21 read with Section 151 of the C.P.C. was rejected. The said application was filed for non-compliance of the earlier order dated 29th September 2022 passed below Exhibit-11 in L.E. Suit No.71 of 2022, by which the Plaintiff was directed to give inspection of documents on which he is relying. As the said order was not complied with, application bearing Exhibit-14 was filed seeking dismissal of the suit. The said application was rejected by order dated 2nd May 2023 and therefore, Revision challenging the said order which was also dismissed.

3. At the time of the hearing of the present Writ Petition, it transpired that actual inspection of the document is not given even till date. It is the contention of learned Advocate appearing for the Respondent No.1 that the inspection was offered but the same was not taken and it is the submission of learned counsel appearing for the Petitioners that the said inspection was offered after application seeking dismissal of the suit bearing Exhibit-11 was filed.

4. In any case, it is admitted position that pursuant to oral

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directions given by this Court on earlier date, inspection of the documents has been given by the Respondents to the Petitioners on 17th July 2023.

5. It is the contention of the learned counsel appearing for the Petitioners that as the inspection has been given on 17th July 2023, he be granted time to file written statement.

6. However, it is clarified that the Petitioners can file appropriate application before the appropriate Court for bringing these factors to the notice of the appropriate Court. It is made clear that all the contentions of both the parties on that aspect are kept open.

7. In view of above, nothing survives in the Writ Petition and the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]