

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6668 OF 2024
IN
FIRST APPEAL NO.1445 OF 2016

Nitin Ramanlala Vyas : Applicant

IN THE MATTER BETWEEN

Nitin Ramanlala Vyas : Appellant

Vs.

Smt. Kamal Rajesh Vyas & Anr. : Respondents

Adv. Mr. Shubham Deepak Jadhav i/by Sachin M. Bandkar, for the
Applicant.

Adv. Ms. Nisha Shah i/by Kalpesh Joshi, for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 2nd APRIL, 2024

PC. :

1. Heard.

2. This Application is preferred by Appellant/Original Plaintiff in the Suit for return of original documents from the record i.e. Articles of Agreement dated 19th December, 1984 executed between the Plaintiff and the Defendant. It is stated in the Application that the said document is not registered and the said is required for registration in view of the amnesty scheme declared by the government, wherein certain exemptions are granted from the payment of penalty.

3. Considering that heard the other side. The other side has objected the Application stating that the Applicant is trying to alter the position by getting the document registered which was not registered before filing the Suit and till now.

4. After hearing the parties, this Court finds that the Application needs to be allowed. Sufficient care can be taken of the interest of the Respondents. It is clarified that for the purpose of deciding the Appeal the document would be treated as on the date of tendering the document in the Court by way of evidence to needless before the Trial Court. This order is without prejudice to the rights and contentions of the Respondents. The Application is allowed with following conditions.

- (a) Office to return the document i.e. Articles of Agreement dated 19th December, 1984 from the record & proceedings.
- (b) In view of the document from file- C page 137 to 141 of the record on depositing one authenticated copy of the said document.
- (c) The Application shall file an undertaking that after the purpose is over, he shall return the document within 8 weeks to the office of the Court.
- (d) Application stands disposed of.

- (e) The said exercise be done office to supply the document within 3 weeks from today.

(KISHORE C. SANT, J.)