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

WRIT PETITION NO. 5680 OF 2024

Rameez Saeed Mulla and Anr.

Petitioners (Orig.
.. Plaintiffs)

Versus

Gulshan Co-operative Housing Ltd. and Anr.

Respondents
.. (Orig. Defendants)

-
- Mr. Ashutosh Gole a/w. Mr. Girish Paryani, Advocates i/by A & G Legal Associates for Petitioners.
 - Mr. Drupad Patil a/w. Mr. Amit E. Chavan, Advocates for Respondents.
-

CORAM : MILIND N. JADHAV, J.

DATE : JULY 26, 2024.

P.C.:

1. Heard Mr. Gole, learned Advocate for the Petitioners and Mr. Patil, learned Advocate for Respondents – Society.

2. In the present Writ Petition, the grievance of the Petitioners is regarding a singular document, out of two documents which the Respondent – Society desired to produce and exhibit on record.

3. Mr. Patil, learned Advocate for the Respondent – Society would submit that the Society now desires to produce only one document which is a letter which has been received by the Society and addressed by the Assistant Director of Town Planning, State of Maharashtra.

4. Mr. Gole in his usual fairness would submit that the said document is already a part of record, however it has not been exhibited as yet. He would submit that Petitioners have no objection if the said document is taken on record and even exhibited, subject to the Respondent – Society proving its contents strictly in accordance with law. Once the original document is produced on record in the Suit proceedings, the provisions of Section 62 of the Indian Evidence Act, 1872 would directly apply. Hence while sustaining the impugned order the said document which is dated 27.02.2023 addressed by the ADTP to the Society is directed to be exhibited by the Trial Court subject to the directions given in this order.

5. Needless to state that the grievance advanced by Mr. Gole with respect to proving the contents of the document is expressly kept open to be agitated before the Trial Court.

6. In view of the above, nothing survives in the present Writ Petition. Writ Petition stands disposed.

[MILIND N. JADHAV, J.]

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