

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13843 OF 2024

Janhavi Dhananjay Warang & anr.

.Petitioners

Versus

Specy Denzil D'Souza & ors.

.Respondents

Mr. Akash Warang, Advocate, for the Petitioners
None for the Respondents

CORAM : S. M. MODAK, J.

DATE : 26.11.2024

P. C.

1. Mentioned out of turn.
2. Heard learned Counsel for the Petitioners.
3. The trial Court as per the impugned Order dated 27.06.2024 had refused to grant permission to the Plaintiffs to examine one Advocate namely Mr. Abhijit Natu. The Plaintiffs want to examine him in order to prove the fact that Mr. Abhijit Natu, learned Counsel for Defendant No. 1 who is the present Respondent No. 1 has made certain correspondences with the learned Counsel for the Plaintiffs.

4. This situation has arisen because the facts pleaded in paragraph No. 4 which is at page No. 114 were denied by way of additional Written Statement. Paragraph No. 3 which is at page No. 113 of the compilation filed today is taken on record. Defendant No. 6 has averred that these letters are by way of manipulation done/written by the Plaintiffs. That is why there is a necessity to examine Mr. Abhijit Natu, learned Counsel is the submission. It is true that the communication in between client and his Advocate is privileged communication. The Plaintiffs want to examine Mr. Abhijit Natu only to prove the fact that Mr. Abhijit Natu, learned Counsel had sent reply/notice. Till date, notice is not issued by this Court.

5. Let the notice be issued to the Respondents returnable on **18.12.2024**. Private notice is allowed. Service affidavit be filed. Now, hearing of the Suit is fixed before the trial Court on 02.12.2024 for evidence of the Plaintiffs even if he is at liberty to request the trial Court to adjourn the matter.

(S. M. MODAK, J.)