



A. No.3949 of 2024

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in  
C.S. No.776 of 1996

**ABDUL QUDDHOSE, J.**

This matter is listed before me for the 1<sup>st</sup> time.

2. The learned counsel for the respondent / plaintiff would submit that the documents sought for by the applicant is not available for the following reasons :-

a) Sri Vaibhav Puri died long time back and therefore, the copy of his Passport which includes the entries relating to the relevant period viz., 1995-96 are not available.

b) The final report of the police authorities in pursuant to the orders of the Chief Metropolitan Magistrate, dated 18.01.1996 under Section 156(3) of C.R.P.C. in the private complaint allegedly filed by M/s.Koyana Real Estates Pvt. Ltd., is not available with the respondent / plaintiff. Further it is contended that since the applicant was himself a party to the said criminal complaint, he will be having a copy of the said final report.



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3. Since a categorical assertion has been made in the counter affidavit that the aforementioned documents are not available with the respondent / plaintiff, the question of directing the respondent / plaintiff to produce the same does not arise. If at all the applicant / defendant still believes that the said documents are available with the respondent / plaintiff, he is granted liberty to cross examine the respondent / defendant's witness with regard to the same during the trial.

4. After recording the aforesaid observations, A. No.3949 of 2024 is disposed of.

5. Post the matter before the learned Additional Master -IV for recording of evidence.

15.11.2024

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