

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

WRIT PETITION NO. 2769 OF 2025

Ramesh Assandas Jagasia ...Petitioner

Versus

Varsha Chandru Vazirani and ors. ...Respondents

Mr. Rajesh Singh, a/w Rahul Singh and Ashish Singh, for
the Petitioner.

Mrs. M. S. Srivastava, AGP for the State/Respondent No.3.

SANTOSH
SUBHASH
KULKARNI

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CORAM: N. J. JAMADAR, J.

DATED: 3rd MARCH, 2025

PC:-

1. Heard the learned Counsel for the petitioner.
2. The petitioner has approached this Court aggrieved by an order passed at pre-issue of summons stage.
3. By orders dated 26th September, 2024 and 16th December, 2024, the learned Judge, City Civil Court, directed the plaintiff to produce certain documents to show the cause of action to institute the suit. By the latter order, the Court ordered the petitioner to comply with the earlier order within a stipulated period lest plaint would be rejected.
4. The learned Counsel for the petitioner submits that the petitioner has annexed adequate documents alongwith the

plaint to show a cause of action to institute the suit. Special emphasis was laid on the deed of transfer dated 31st December, 2010 and an affidavit purportedly sworn by the mother of the plaintiff on 12th November, 1975. The learned Counsel for the petitioner submitted that the documents cumulatively make out a cause of action to institute the suit.

5. Since the orders are passed at a pre-issue of summons stage, this Court considers it appropriate to request the learned Judge to consider all the documents annexed with the plaint afresh, especially, deed of transfer dated 31st December, 2010 and the affidavit dated 12th November, 1975 and pass a fresh order.

6. Petition stands disposed.

[N. J. JAMADAR, J.]