

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9933 OF 2025

M/s. Shubham Enterprises and ors. ...Petitioners

Versus

Prashantbhai Subhashchandra Thakker
and ors. ...Respondents

Mr. Rahul Kedar, a/w Purvi Asher, Aakash Mehta and
Karishma Maheshwari, i/b Mansukhlal Hiralal and
Co., for the Petitioners.

Mr. R. M. Haridas, i/b Somnath Thengil, for Respondent
Nos.1 to 4.

CORAM: N. J. JAMADAR, J.

DATED: 24th JULY, 2025

PC:-

1. Heard the learned Counsel for the petitioners.
2. Perused the impugned order.
3. The petitioners are aggrieved by an order on an application (Exhibit-123) passed by the learned Judge, Court of Small Causes, whereby the application preferred by defendant No.5 to redact the contents in paragraphs 15 and 25 of the affidavit in lieu of examination-in-chief of PW-2 on the count that the said contents constitute hearsay evidence came to be rejected.

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4. The learned Counsel for the petitioners took the Court through the averments in paragraphs 15 and 25 of the affidavit in lieu of examination-in-chief. Plaintiff No.1, to whom the statements in paragraph 15 have been attributed, is dead. Defendant No.5 had allegedly delivered copy of the notice which is referred to in paragraph 25 of the affidavit in lieu of examination-in-chief.

5. None of these assertions constitute hearsay evidence. The learned Judge, Court of Small Causes, has correctly exercised the jurisdiction in declining to redact the portions in paragraphs 15 and 25 of the affidavit in lieu of examination-in-chief. There is no infirmity in the impugned order.

6. The petition stands dismissed.

[N. J. JAMADAR, J.]