

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 3519 OF 2025
IN
SUIT NO. 1845 OF 2012**

Virendra Ramsamujh Mishra **...Plaintiff**
V/s.
Karim Alimohammed Dhanani & Ors. **...Defendants**

Mr. Ashok Mishra for the Applicant/Plaintiff.
None for the Defendants.

CORAM : ABHAY AHUJA, J.
DATE : 22nd SEPTEMBER, 2025

P.C. :

1. This Interim Application seeks issuance of witness summons.
2. When the matter is called out, Mr. Mishra, learned Counsel appears for the Applicant and submits that prayer Clause (a) has been necessitated in as much as while marking the documents in the Suit which is undefended, in paragraph 5 of the order dated 27th March, 2025, this Court has marked the Memorandum of Understanding (MOU) as Exhibit PW-1/10, subject to proof as the said document was not signed by the Plaintiff nor by the other signatories.
3. Mr. Mishra submits that the other signatories to the MOU is Mr. Vinay Mandal and witness summons be issued to him to confirm the

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signature on the document which is a hand written copy of a writing dated 1st February, 1996 which is the MOU.

4. As regards the prayer Clause (b), which is for issuance of witness summons to the office of Sub-Registrar, Thane, Mr. Mishra draws the attention of this Court to the paragraph 16 of the order dated 27th March, 2025, submitting that since this Court has observed that nowhere in the said documents it has been mentioned that these are certified true copies, although there are seals of Sub-Registrar, Thane and the documents are marked as Exhibits PW-1/19 to PW-1/26, subject to proof of the documents which have been certified by the said Sub-Registrar, Thane, this Court may also issue witness summons to the Sub-Registrar, Thane to confirm the said documents at Serial No. 20 to 27 of the compilation of documents.

5. Having heard the learned Counsel and having considered his submissions, this Court is of the view that the Application be allowed in terms of the prayer Clauses (a) and (b), which read thus:-

“a. That this Hon’ble Court be pleased to issue the summons to witness Mr. Vinay Mandal having address at 05th Floor, Dignity Apartment, Pratap Colony, Near Seven Bungalow, Off. J. P. Road, Andheri (West), Mumbai—400 061 to confirm his signature, document and also confirm the signature which

have been done in his presence i.e. document dated 01 February, 1996 on the letter head of Ruby Developers at Serial No. to compilation of documents.

b. That this Hon'ble Court be pleased to issue the summons to witness to office of Sub Registrar of Thane – 2 to confirm the document at serial no. 20 to 27 of the compilation of documents duly certified and issue by the Sub-Registrar at Thane - 2 having address at Charai MTNL building, ground floor, Mavali Mandal Road, Charai Thane-1.”

6. As regards the prayer Clause (b), the said Registrar may in the alternative file affidavit stating that the documents at serial no.20 to 27 of the compilation of documents and which have been marked as PW-1/19 to PW-1/26, subject to proof, are the certified true copies of the said documents issued by the said Sub-Registrar, Thane.

7. The Interim Application accordingly stands allowed and disposed as above.

8. List the Suit on **25th November, 2025.**

9. Let the witnesses along with necessary affidavits remain present in the Court on the next date.

(ABHAY AHUJA, J.)