

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3385 OF 2024
WITH
WRIT PETITION NO.9972 OF 2025

Ramnarin Sons Private
Limited

... Petitioner

V/s.

Andheri Girls Educations
Society Thr. Its Present
Trustees And Ors.

... Respondents

Mr. Rashmin Khandekar i/b Ms. Kavita A. Shah, Advocate for the
Petitioner in WP/3385/2024 and Respondent No.1 in WP/9972/2025.

Dr. Sanjay Jain, Mrs. Shruti Rajput a/w Ashok V. Jain i/b A. V. Jain
Associates, for Petitioner in WP/9972/2025 and for Respondent in
WP/3385/2024.

CORAM : MADHAV J. JAMDAR, J.

DATED : 23rd FEBRUARY 2026

P.C.:

1. Heard Mr. Khandekar, learned counsel appearing for the
Petitioner in Writ Petition No.3385 of 2024 and Mr. Jain, learned
counsel appearing for the Petitioner in Writ Petition No.9972 of 2025.

2. In both these Writ Petitions the challenge is to the order dated
28th September 2022 passed by the learned Judge, Small Causes Court,
Bandra, on Admissibility of Documents in R.A.E. Suit No.596 of 2015 as
also challenge is to the legality and validity of order dated 16th January,

2024 passed by the learned Appellate Bench of Small Causes Court in Revision Application No.5 of 2023.

3. After arguing the matter for some time, both the learned Counsel state that, as many aspects have not been considered, including relevant provisions of the Code of Civil procedure, 1908 and also of the Indian Evidence Act, 1872, by setting aside both these orders the matter be remanded back to the learned Trial Court.

4. Both the learned Counsel state that detailed reasons be not given for setting aside the impugned orders, as the order is passed by consent.

5. Mr. Khandekar, learned Counsel appearing for the Petitioner-Original Plaintiff in Writ Petition No.3385 of 2024, submits that the Plaintiff also intends to file an Additional Affidavit of Evidence before the learned Trial Court. Mr. Jain, learned Counsel appearing for the Respondents i.e. Original Defendants, states that since filing of such Additional Affidavit of Evidence is permissible under law, the Respondents have no objection for the same.

6. Mr. Jain, learned Counsel further submits that the Original Defendants have no objection for exhibiting the documents which are marked as Exhibit Nos.55 to 59.

7. Accordingly, by consent of parties following order is passed :-

i. Order dated 28th September 2022 passed by learned

Judge, Small Causes Court, Bandra, on the Admissibility of Documents in R.A.E. Suit No.596 of 2015 as also order dated 16th January 2024 passed by learned Appellate Bench of the Small Causes Court in Revision Application No.5 of 2023 are quashed and set aside.

- ii. The matter is remanded back to the learned Trial Court for deciding afresh Admissibility of Documents which are subject matter of order dated 28th September 2022.
- iii. It is clarified that, as far as the documents which are marked as Exhibits-55 to 59 by the learned Trial Court, the Respondents in Writ Petition No.3385 of 2024 (Original Defendants) have no objections for marking these documents. The learned Trial Court to take into consideration the said aspect.
- iv. The Petitioner-Original Plaintiff is at liberty to file Additional Affidavit of Evidence.

8. Accordingly, both these Writ Petition are disposed of in above terms, however with no order as to costs.

(MADHAV J. JAMDAR, J.)