

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

WRIT PETITION NO. 2241 OF 2025

Deepak Krishan ..Petitioner
Versus
Ela Prakash Mehta & anr. ...Respondents

Mr. Nishigandh Patil, a/w Saraswati Gupta, for the Petitioner.
Mr. Janak Dwarkadas, Senior Advocate, a/w Mr. Akshay Patil,
Mr. Jarin Doshi, i/b. Malvi Ranchoddas & Co., for the
Respondents.

CORAM : N. J. JAMADAR, J.

DATE : 7th APRIL 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. Mr. Patil, the learned Counsel for the petitioner, on instructions of the petitioner, who is present in Court, submits that, the petitioner is ready and willing to comply with the order passed by the trial Court on 09th February, 2021 directing the petitioner/defendant to produce the *Hibanama* as propounded in the written statement.
3. The Court is informed that, the cross-examination of the plaintiff's witness is scheduled to be held on 10th April, 2026.
4. In view of the aforesaid submissions, and to rule out the possibility of prejudice and provide an efficacious opportunity to the defendant to defend the suit, the petitioner/defendant is

permitted to produce the document directed to be produced by the trial Court by order dated 09th February, 2021, on or before 09th April, 2026, and furnish its copy to the respondent/plaintiff.

5. Upon production of the said document on 09th April, 2026, the order dated 16th August, 2024, striking off the defence of the petitioner/defendant shall stand set aside.

6. It is hereby made clear that, if the petitioner/defendant fails to produce the document in terms of the order of the trial Court dated 09th February, 2021, this order shall stand recalled and the order passed by the trial Court on 16th August, 2024, shall continue to operate.

7. In the event the said document is produced, the plaintiff shall be at liberty to adduce additional evidence.

8. The Writ Petition thus stands disposed with the aforesaid directions and a request to the trial Court to make an endeavour to conclude the trial in the suit as expeditiously as possible and, preferably, within a period of 9 months from the date of communication of this order.

[N. J. JAMADAR, J.]