

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1223 OF 2026

Kamlakar Shantaram Mate ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION NO.689 OF 2026
IN
WRIT PETITION NO.1223 OF 2026

Kamlakar Shantaram Mate ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Sujay Kantawala a/w Ms. Ratna Jaiswal, for the Petitioner.

Mr. Jaydeep Deo, for Respondent Nos.2 and 3.

CORAM: MADHAV J. JAMDAR, J.

DATED: 30 JANUARY 2026

P.C.:

1. Heard Mr. Kantawala, learned Counsel a/w Ms. Jaiswal, learned Counsel appearing for the Petitioner and Mr. Deo, learned Counsel appearing for Respondent Nos.2 and 3.
2. At the outset, it is required to be noted that admittedly Respondent Nos.4 to 8 are not the contesting parties.
3. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 17th December 2025 passed by the learned Judge, Small Causes Court, Mumbai, below Exhibits 102 and 106 in RAE Suit

No.270/384 of 2006. The Applications bearing Exhibits 102 and 106 have been filed for seeking permission to place certain documents on record.

4. It is the submission of Mr. Kantawala, learned Counsel for the Petitioner that the said documents have been obtained by the Petitioner under the provisions of the *Right to Information Act, 2005* from the Maharashtra Housing and Area Development Authority (“MHADA”).

5. It is an admitted position that the Petitioner i.e. Defendants have completed the arguments and now the arguments of the Respondents are in progress.

6. After arguing the matter for some time, Mr. Kantawala, learned Counsel a/w Ms. Jaiswal, learned Counsel for the Petitioner and Mr. Deo, learned Counsel for Respondent Nos.2 and 3, state that, by consent of the parties, following Order be passed :-

- i. Impugned Order dated 17th December 2025 passed by the learned Judge, Small Causes Court, Mumbai, below Exhibits 102 and 106 in RAE Suit No.270/384 of 2006, is quashed and set aside.
- ii. The Petitioner i.e. DW-1 is at liberty to produce the documents which the Petitioner has obtained from MHADA under the *Right to Information Act, 2005* and which are annexed from Page Nos.82 to 98 of Writ Petition along with an additional Affidavit

of evidence. The same be done within a period of 1 week from today.

- iii. Respondent Nos.2 and 3 are at liberty to cross-examine the DW-1 only restricting the documents which are annexed from Page Nos.82 to 98 of the Writ Petition.
 - iv. The learned Trial Court is at liberty to decide whether the documents are to be exhibited and the stage at which the said documents are to be exhibited.
 - v. After the arguments of the Respondents are over, *inter alia*, the Petitioner i.e. Defendants are at liberty to advance submissions with respect to the documents which are permitted to be produced as set out herein above.
 - vi. The Trial Court, while passing the Judgment and Decree in RAE Suit No.270/384 of 2006, shall take into consideration the exhibited documents out of said documents from Page Nos.82 to 98.
 - vii. The contentions of both the parties are expressly kept open.
7. Accordingly, the Writ Petition is disposed of by consent in the above terms, with no order as to costs.
8. In view of the disposal of the Writ Petition, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]