

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

SUIT NO. 1079 OF 1997

MRS. NEELAM NATHWANI)...PLAINTIFF

V/s.

BHANUSINGH B. THAKUR AND OTHERS)...DEFENDANTS

WITH

INTERIM APPLICATION NO.7109 OF 2025

AND

INTERIM APPLICATION NO.7138 OF 2025

IN

SUIT NO. 1079 OF 1997

Mr.Snehal Shah, Senior Advocate a/w. Mr.Pradeep Bakhru and Ms.S.
Datta i/by Wadia Ghandy & Co., Advocate for the Plaintiff.

Mr.Rupesh Lanjekar, Advocate for the Defendants no.1 and 2.

CORAM : ABHAY AHUJA, J.

DATE : 8th APRIL 2026

PC. :

1. When the matter is called out, Mr.Snehal Shah, learned Senior Counsel appearing for the Plaintiff submits that the report of the Commissioner is ready and the Commissioner has requested that the Court may accept the same. Registry to accept the same.

2. Mr.Rupesh Lanjekar, learned Counsel appearing for the Defendants no.1 and 2, submits that there are two Interim Applications, one Interim Application No.7138 of 2025 which seeks

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issuance of witness summons to the Defendant no.3.2 i.e. Satish Dedhia on his address mentioned in the cause title of the plaint for recording evidence in Suit No.1079 of 1997, and the other Interim Application No.7109 of 2025 for issuance of witness summons to the Secretary of the Defendant no.4 society to produce the original documents which are mentioned in paragraph 15 and for recording evidence in Suit No.1079 of 1997.

3. Mr.Shah, learned Senior Counsel appearing for the Plaintiff, submits that while in principle he has no objection if the said applications are allowed, however, the scope of evidence with respect to the said witnesses would have to be respectively limited to what is stated in paragraph 13 of the Interim Application No.7138 of 2025 and to paragraph 15 of Interim Application No.7109 of 2025.

4. Mr.Lanjekar, learned Counsel appearing for the Interim Applicant has no objection if this Court passes appropriate orders in the said applications, submitting that since the evidence produced by the said Applicant were not marked as exhibits, as the genuineness was objected to by the Plaintiff, liberty was granted to the said Applicant to prove the same, and therefore the applications.

INTERIM APPLICATION NO.7138 OF 2025

5. In view of the aforesaid discussion, this Court is of the view that Interim Application No.7138 of 2025 be allowed. The Registry is directed to issue witness summons returnable on 6th May 2026 on Defendant no.3.2 viz. Satish Dedhia on his address mentioned in the cause title of the plaint for verifying the signature of his deceased father viz. the original Defendant no.3 with respect to the documents at serial nos.1, 2, 5 and 8 to 10 in the Defendants' Compilation of documents.

INTERIM APPLICATION NO.7109 OF 2025

6. As regards this Interim Application, in view of the aforesaid discussion, the said Interim Application is allowed. The Registry is directed to issue witness summons also returnable on 6th May 2026 to the Secretary of the Defendant no.4 society at the address mentioned in the cause title of the plaint to produce the original documents mentioned in paragraph 15 viz. (a) Letter dated 16th April 1980 forwarded by Mr.Narendra Sood to Defendant no.4, (b) Letter dated 29th April 1980 forwarded by Defendant no.3 to Defendant no.4, (c) Letter dated 23rd June 1980 forwarded by Defendant no.4 to

Mr.Narendra Sood, and (d) Letter dated 9th June 1980 forwarded by Defendant no.4 to Defendant no.3.

7. List on **6th May 2026**.

(ABHAY AHUJA, J.)