

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7939 OF 2009

Mohammed Ayub Sheikh

.. Petitioner

versus

Akbarally Ali Mohammed Porbundarwala & Ors. .. Respondents

Mr.M.S.Menon for the petitioner.

Mr.R.A.Thorat for respondent No.1.

Mr.Hindadey i/by Dahibawkar & Co for respondent Nos.2A to 2J.

Mr.Prem S. Gidwani for respondent No.3.

CORAM : A.S.OKA, J.

DATE : 30th April 2010.

P.C.:

. The learned counsel appearing for the 1st respondent-plaintiff states the plaintiff will make an application before the trial Court seeking permission to produce additional documents and seeking permission to file further affidavit-in-lieu of examination-in-chief for proving the documents to be produced by him. The statement is accepted. If such application is made, the same will have to be considered on its own merits. In view of this statement, the impugned order will have to be set aside by granting liberty to the 1st respondent to take out appropriate application.

2. Hence, I pass the following order:

: O R D E R :

(a) The statement made by the learned counsel appearing for the

1st respondent is accepted. It will be open for the 1st respondent to make an application to the trial Court seeking permission to produce additional documents and seeking permission to file further affidavit-in-lieu of examination-in-chief. If such application is made, the trial Court will decide the said application on its own merits. All contentions of the parties on merits of the said application are expressly kept open.

(b) Petition is disposed of accordingly.

(A.S.OKA,J)