



**BEFORE THE DESIGNATED COURT UNDER M.P.I.D. ACT
CITY CIVIL & SESSIONS COURT, MUMBAI**

ORDER BELOW EXHIBIT 3

IN

MISCELLANEOUS APPLICATION NO 190 OF 2023

IN

MPID CASE NO.07 OF 2016

IN

C.R.NO.83 OF 2015

Bharti Anil Khare

...Applicant

Versus

Mr. Balasaheb Bhapkar & Others

...Respondents

Coram : HHJ Abhijeet A. Nandgaonkar

(Court No. 20)

Date: 03.04.2024

Appearance:

Ld. Adv. Neha Bachin I/b Kulkarni & Associates for the Applicant.

Ld. A.P.P. Mr. Sandeep Kekane for Respondents/State.

ORDER

(Dictated and pronounced in open court)

By way of this application respondent Nos 1 to 3 wants to withdraw prior reply filed by them in the miscellaneous application No. 190 of 2023 and seeking permission to file amended or fresh/ additional reply in detail on behalf of the applicant/respondent Nos. 1 to 3.

02. Ld. Advocate Ms. Neha Bachim I/b Kulkarni & Associates for applicant submitted that, on miscellaneous application preferred by the applicant for purchase of property as mentioned in para 5, they have filed their reply, however all the relevant defence were not covered in the said reply as accused being in jail could not submit their defence in said reply. Now respondent Nos. 1 to 3 intended to file fresh amended reply. Hence, they prayed that they be permitted to withdraw their earlier reply with liberty to file amended or fresh/additional reply in detail by allowing the application.

03. Say of the Respondent/State is called. Learned SPP submitted their reply overleaf the application and submitted that, application moved is not proper. The respondent Nos 1 to 3 can always filed additional reply . Hence the application moved required to be filed.

04. Heard Advocate Ms. Neha Bachim I/b Kulkarni & Associates for the Applicant/ respondent Nos 1 to 3. Ld. S.PP. Mr. Sandeep Kekane for Respondents/State. Ld. Advocate Ms. Sabina Ansari for SEBI. I have gone through application as well as say filed by the Ld. SPP. Perused the submission and documents.

05. Respondent Nos 1 to 3 have filed their say however they want to file additional reply for the reasons that relevant defences were not covered as accused being in jail they could not get proper instruction/information, be a good ground when the reply is already there they can file additional reply in detailed if required in support of their earlier reply. In such circumstances, question of permitting to withdraw earlier reply done not arise. However, they can be permitted to file additional reply. With this observation application moved by the respondent No.1 to 3 required to be disposed off. Hence, I proceed to

pass following order.

ORDER

1. Exhibit 3 in Miscellaneous Application No.190 of 2023 filed the applicant/respondent Nos 1 to 3 is partly allowed. Thereby respondent Nos 1 to 3 are permitted to filed additional reply in support of their already filed reply on record.
2. No order as to costs.
3. Accordingly Exh.3 In M.A. No.190 of 2023 in MPID Case No. 07/2016 arising out of C.R.NO. 83/2015 stands disposed off.

(Abhijeet A. Nandgaonkar)
Designated Judge and
Addl. Sessions Judge,
City Civil & Sessions Court,
Gr. Bombay. (C.R.No.20)

Date : 03.04.2024

Dictated on :03.04.2024
Transcribed on :05.04.2024
Singed on :06.04.2024

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
03.04.2024

NAME OF STENOGRAPHER
Mrs. R.R.Hate

Name of the Judge (with Court Room No.)	HHJ Abhijeet A.Nandgaonkar
Date of Pronouncement of JUDGMENT/ ORDER	03.04.2024
JUDGMENT/ORDER signed by P. O. on	05.04.2024
JUDGMENT/ORDER uploaded on	05.04.2024

