

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

SUIT NO. 1226 OF 1986

DR.RAVINDRA R. TRIVEDI AND OTHERS)...PLAINTIFFS
V/s.

SHRI SHAKTI PRINTS PVT. LTD. AND OTHERS)...DEFENDANTS
WITH
COUNTERCLAIM NO. 10 OF 2009
IN
SUIT NO. 1226 OF 1986
WITH
SUIT NO. 1439 OF 2009

Mr.Rohan Kelkar a/w. Ms.Gargi Bhagwat i/by M/s.Divekar Bhagwat & Co., Advocate for the Plaintiffs in S/1226/1986.

Mr.Sunil Khandagale i/by Ms.Komal Punjabi, Advocate for the Respondent – BMC.

Mr.Malcolm Siganporia i/by Mr.Deepak Chitnis-Chipalkar, Advocate for the Defendants no.1 and 2 in S/1226/1986 and for the Plaintiffs in S/1439/2009.

CORAM : ABHAY AHUJA, J.

DATE : 1st DECEMBER 2025

PC. :

1. Pursuant to order dated 11th November 2025, today when the matter is called out, Mr.Rohan Kelkar, learned Counsel, appears for the Plaintiffs in Suit no.1226 of 1986 and tenders across the bar a decision of a Full Bench of this Court in the case of *Hemendra Rasiklal Ghia vs. Subodh Mody*¹ submitting that the question of admissibility of evidence

1 [2008(6) Mh.L.J. 886]

and marking of documents is interconnected and that at the stage when objection to the marking is raised, the Court has to adjudicate and decide on the same and in the event the same is postponed, the same has to be decided before a judgment in the matter. Mr.Kelkar fairly submits that the Full Bench has discussed the entire law on the subject and that this Court may, therefore, before marking any further documents, adjudicate / rule on the objections raised.

2. Mr.Siganporia, learned Counsel, appearing for the Plaintiffs in Suit No.1439 of 2009 agrees with the position in law. Mr.Siganporia submits that on the last occasion, Mr.Manmohan Sarawgi was in the box and the documents were marked at the said time. However, Mr.Manmohan Sarawgi, who was there in the morning, has suddenly taken ill and is not available for marking of documents from serial no.5 onwards and this Court may, in the circumstances, grant a convenient date in the matter.

3. Mr.Kelkar has no objection.

4. List on **8th January 2026** for further marking of documents.

(ABHAY AHUJA, J.)