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

**SUIT NO. 1948 OF 1983**

Sociedade De Fomento Inustrial Pvt. Ltd. ...Plaintiff  
Vs.  
Tulsidas V. Patel Pvt. Ltd. & Ors. ...Defendants

Mr. E.H. Kotwal i/b. Little & Co., for the Plaintiff  
Mr. S.V. Doijode a/w. Ms. Priyanka C. Kothari  
i/b. Doijode & Assoc., for Defendants 1 & 7

**CORAM : SMT. ROSHAN DALVI, J.  
DATED : 26TH JULY, 2011**

**P.C. :**

1. The Plaintiff has filed the affidavit of examination-in-chief earlier and tenders an additional affidavit of examination-in-chief to day. The Deponent of the affidavit is not present in the Court. The Affidavit is accepted under the provision of Order 18 Rule 4 of the C.P.C. The Deponent shall identify his signature prior to his cross examination.

**Admissibility of documents**

1. By consent the original agreement dated 31<sup>st</sup> July 1973 is marked **Exhibit-A**.
2. The Bank Statement of current account of the Plaintiff in State Bank of India from 30<sup>th</sup> June 1973 to 31<sup>st</sup> July 1973 is marked **Exhibit-B** subject to the account being certified under the Bankers Book of Evidence Act by the bankers.
3. A copy of letter dated 21<sup>st</sup> August 1984 not admitted to be

received by the Defendant is not marked as it is not shown to have been sent through post.

4. A copy of the plan stated to be the plan of the suit flat is marked “X” for identification.
5. Letters dated 9/2/1974, 25/2/1974, 9/3/1974, 14/3/1974, 18/3/1974, 2/5/1974 and 18/5/1974 are marked **Exhibit-C (colly)** as they form a chain of correspondence subject to the proof of the truth of their contents.
6. A bank statement of the Plaintiff in State Bank of India, Madgaon Branch from 24/6/1974 to 26/6/1974 is marked **Exhibit-D** subject to the certification under the Bankers Book of Evidence Act.
7. By consent copy of letter dated 8<sup>th</sup> July 1983 by Defendant No. 1 to the Deputy Registrar of Co-operative Society is marked **Exhibit-E**.
8. By consent copy of Notice of Motion No.2369/1984 in Suit No. 2714/1984 along with the order of Justice Pendse, as he then was, dated 20<sup>th</sup> November 1985 in that Notice of Motion are marked **Exhibit-F (colly)**.
9. Report of the Architect Dallas & Paralkar dated 24<sup>th</sup> February 1987 is marked **“X-1”** for identification along with the annexures.

10. By consent copy of the order in Appeal No.1083/1995 in Suit No.2714/1984 dated 17<sup>th</sup> December 1995 is marked **Exhibit-G**.
11. By consent copy of the order in Appeal No.866/2005 in Notice of Motion No.2620/2005 in Suit No.2435/2005 dated 7<sup>th</sup> September 2006 is marked **Exhibit-H**.
12. Affidavit of one Ms. Mitika Patel dated 6<sup>th</sup> June 2005 is marked **"X-2"** for identification.
13. Resolution of the Plaintiff Company in respect of the deposition of the Deponent of the affidavit on behalf of the Plaintiff is marked **Exhibit-J**.
14. Copy of the leave and licence agreement between one Jaya Patel and one Nicholas Puramal Private Limited is marked **"X-3"** for identification.
15. Original notices dated 28<sup>th</sup> February 1984 and 17<sup>th</sup> April 1984 received by the Plaintiff from the Kanchunjunga Co-operative Housing Society Ltd., in the building in which the Plaintiff agreed to purchase a flat are marked **"X-4" (colly)**.
16. The original receipt dated 3<sup>rd</sup> July 1984 in respect of the payment of the stamp duty issued by the appropriate authority under the Bombay Stamp Act for Rs.13,010/- is marked **Exhibit-K**.
17. Declaration made and signed by the father of the Deponent of

the affidavit on behalf of the Plaintiff in which the signature of the father and the contents are identified by the Plaintiff is marked **Exhibit-L**.

18.The receipt issued by the Sub Registrar of Assurances on 18<sup>th</sup> August 1984 at the time of the filing of the declaration also dated 18<sup>th</sup> August 1984 is marked **Exhibit-M**.

19.The summons of the Sub-registrar of Assurances, Mumbai shown to be issued on the first Defendant along with the copy of the plaint is not relevant hence are not marked.

20.Memorandum and Articles of Association of the Plaintiff is marked **Exhibit-N**.

21.Original share certificate issued by Kanchanjunga Co-operative Housing Society in the name of the Plaintiff dated 18<sup>th</sup> April 1985 is marked **Exhibit-O**.

22.The Writ of summons served upon the Defendants 2,3 and 4 as directed by this Court on 1<sup>st</sup> April 2011 are taken on record along with the affidavit of the Plaintiff.

23.Mr. Kotwal applies for time to file further affidavit of examination-in-chief to prove the further documents of the Plaintiffs.

24.S.O to 9<sup>th</sup> August 2011. HOB.

(SMT. ROSHAN DALVI, J.)