

Santosh

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

SUIT NO. 295 OF 2012

Kaizer Taher Mithaiwala ...Plaintiff

Versus

Shamima Taher Mithaiwala & ors. ...Defendants

Mr. G. B. Pawar, for the Plaintiff.

Ms. Sunila Chavan, for Defendant no.1.

Ms. Sapna Krishnappa, for Defendant nos.2, 3 and 5.

Mr. Sualeh Nadvadaria, for Defendant no.6.

CORAM: N. J. JAMADAR, J.

DATED : 14th JANUARY, 2021

Plaintiff's first witness (PW-1) is present in Court and is administered oath.

Name : Kaizar Taher Mithaiwala
Age : 54 years.
Address : Shams Palace, 601, 6th Floor, Bandra
(W), Hill Road, Mumbai – 50.

The Affidavit in lieu of examination-in-chief dated 7th March, 2017 is now shown to me. It is affirmed by me. It bears my signature. The contents of the affidavit are true and correct. The affidavit is marked as **Exhibit-P1/1**.

PC:-

1. The plaintiff has tendered a compilation of documents in two parts, 'Schedule-A' and 'Schedule-B'.

2. Defendant nos.2, 3 and 5 have made a statement of admission and denial.

3. Defendant no.1 has adopted the statement of admission and denial made on behalf of defendant nos.2, 3 and 5.

4. Defendant nos.2, 3, 5 and 1 have admitted the documents at Serial nos.2, 4 to 9, 15, 16, 19, 21 and 22 of the compilation of documents at 'Schedule-A'.

5. Defendant nos.2, 3, 5 and 1 have not admitted the rest of the documents out of the said compilation i.e. documents at Serial nos.1, 3, 10 to 14, 17, 18, 20, 23 and 24.

6. Defendant nos.2, 3, 5 and 1 have admitted the documents at Serial nos.1, 2, 3, 5, 13 to 19, 21, 23, 26, 32 and 33 of the compilation of documents at 'Schedule-B'.

7. Defendant nos.2, 3, 5 and 1 have not admitted the rest of the documents i.e. at Serial nos.4, 6 to 12, 20, 22, 24, 25, 27 to 31 and 34 of the compilation of documents at 'Schedule-B'.

8. Defendant no.6 has also made a statement of admission and denial. Defendant no.6 has admitted the documents at Serial nos.4, 6, 7, 9, 15, 16, 19 and 20 of the compilation at

'Schedule-A' and the document at Serial no.4 of the compilation at 'Schedule-B'. Defendant no.6 has not admitted rest of the documents in the compilation, 'Schedule-A' and 'Schedule-B'.

9. In view of the statement of admission, the documents at Serial nos.2, 4, 5, 6, 7, 8, 9, 15, 16, 19, 20, 21 and 22 of the compilation at 'Schedule-A' are marked as **Exhibits-P1/2, P1/3, P1/4, P1/5, P1/6, P1/7, P1/8, P1/9, P1/10, P1/11, P1/12, P1/13 and P1/14.**

10. The documents at Serial nos.1, 2, 3, 4, 5, 13, 14, 15, 16, 17, 18, 19, 21, 23, 26, 32 and 33 of the compilation at 'Schedule-B' are marked as **Exhibits-P1/15, P1/16, P1/17, P1/18, P1/19, P1/20, P1/21, P1/22, P1/23, P1/24, P1/25, P1/26, P1/27, P1/28, P1/29, P1/30 and P1/31.**

11. The matter be listed for marking of rest of the documents.

12. Stand over 28th January, 2021.

[N. J. JAMADAR, J.]