

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

SUIT NO.3407 OF 1995

Prithviraj H. Bajaj & Anr. .. Plaintiffs

v/s.

L.I.C. & Ors. .. Defendants

**WITH
INTERIM APPLICATION (L) NO.2973 OF 2022**

Mr. Rahul Sarda a/w Manik Joshi, Mantul Bajpai, Vrushabh Vig i/b. M/s. Crawford Bayley & Co. for the plaintiffs.

Ms. Snehal Paranjape a/w J P Kapadia, O. Mohandas, Ms. Jemima Chelliah & Rudraksh Maurya i/b. Little & Co. for defendant no.1.

Mr. Lad, a/w Ms. Aparna Kalathil a/w Prerna Dhoke for defendant no.2.-MHADA.

Ms. Kavita N. Solunke for defendant no.3-MMRDA.

CORAM : A. K. MENON, J.

DATED : 3RD MARCH, 2022.

P.C. :

Called for admission and denial of documents.

1. Parties have exchanged statement of admission and denials.

Defendant no.1 has admitted documents at serial no.1 to 14. Mr.

Lad on behalf of defendant no.2 submits that although initially

instructions were to deny all documents, the revised instructions that he has received are to the effect that the existence of all documents except document at serial no.8 may be admitted. Accordingly, the documents at serial no.1 to 7 are marked **Exhibit P-1 to P-7.**

2. Document at serial no.9 to 14 are marked **Exhibit P-8 to P-13.**
3. Document at serial no.23 is marked **Exhibit P-14** subject to proof of contents.
4. Document at serial no.27 is marked **Exhibit P-15** subject to proof of contents.
5. Document at serial no.29 and 30 are the letters addressed to defendant no.1. They are marked **Exhibit P-16 and P-17** subject to proof of contents.
6. Document at serial no.33 and 34 are existence of which is not denied by defendant no.1 shall be marked **Exhibit P-18 and P-19** subject to proof of contents, despite defendant no.2 not admitting its existence.
7. Document at serial no.35 and 36, the defendant no.1 admits existence. Same are marked **Exhibit P-20 & P-21** subject to proof

of contents.

8. Document at serial no.37, 38 and 39 are correspondence issued by defendant no.2. Mr. Lad admits the same. Accordingly, the same shall be marked **Exhibit P-22 to P-24**.
9. Documents at serial no.8, 15 to 22, 24 to 26, 28, 31, 32, 40 to 44 are marked **"X-1 to X-20"** for identification.

Sr. No.	Particulars	Exhibit No. Marked
1	Copy of the Birth Certificate of Pranaya Bajaj	P-1
2	Copy of the 10 th STD ICSE passing certificate issued by the Council of ICSE, New Delhi	P-2
3	Copy of the HSC passing certificate issued by the Maharashtra State Board of Secondary and Higher Secondary Education	P-3
4	Copy of the B.Com passing certificate issued by the University of Mumbai	P-4
5	Copy of the certificate issued by Alliance Francaise De Bombay for completing Methode I	P-5
6	Copy of the certificate issued by Alliance Francaise De Bombay for completing Methode II	P-6
7	Copy of the certificate issued by the Indo- American Society for completing the course of Effective Public Speaking	P-7
8	Copy of the certificate issued by Kotak Mahindra Finance Limited certifying the summer traineeship	X-1
9	Copy of the certificate issued by the Champion School certifying that Pranaya was a bonafide student	P-8
10	Copy of the receipt evidencing payment of fees for purchasing Enlistment Kit of MMS Programme	P-9

11	Copy of the receipt evidencing payment of fees for the Written Entrance Test	P-10
12	Copy of the Identity Card with photograph of Pranaya	P-11
13	Copy of the Casualty Intimation Report, Bombay Hospital	P-12
14	Copy of the Death Certificate issued by the Municipal Corporation	P-13
15	Copy of Panchnama signed by Mr. Kishore Mahadeo Gandhi and Mr. Jayesh Kishore Gandhi	X-2
16	Copy of Panchnama signed by Mr. Ravi AmarnathSud	X-3
17	Copy of Panchnama signed by Mr. RajkumarChhabria and Mr. Jaikumar Jain	X-4
18	Copy of the Statement of Mr. Prithviraj Bajaj recorded by Cuffe Parade Police Station	X-5
19	Copy of the FIR No. 499/94 registered by the Cuffe Parade Police Station	X-6
20	Copy of 18 photographs evidencing the damaged building	X-7
21	Copies of 2 receipts dated 11/7/1994 and 31/8/1994 issued by Colorama	X-8
22	Copy of the letter dated 7/7/1994 along with the Minutes of Meeting issued by the Oval View Tenants Association	X-9
23	Copy of the letter dated 9/3/1992 to the Zonal Manager, Building Dept, LIC of India	P-14
24	Copy of the Statement dated 18/2/1995 of Mr. Sureshchandra Ahuja along with the English Translation	X-10
25	Copy of the Statement dated 2/3/1995 of Mr. Omprakash Vashishta, Executive Engineer, Civil Engineering Dept, LIC of India along with the English Translation	X-11
26	Copy of the Statement dated 16/3/1995 dated of Mr. Hukmatsingh Manwani, Executive Engineer, "A" ward, LIC of India along with the English Translation	X-12

27	Copy of the letter dated 21/7/1994 issued by the Ward Officer, "A" Ward, Municipal Corporation of Greater Mumbai to Executive Engineer 'A' Division Mumbai Repairs and Reconstruction Board.	P-15
28	Copy of the letter dated 10/8/1994 issued by the Ward Officer, "A" Ward, Municipal Corporation of Greater Mumbai to Sr. Inspector of Police, Cuffe Parade	X-13
29	Copy of the letter dated 12/7/1994 issued by Ms. S.K. Bharucha on behalf of Oval Cooperage Residents' Association to LIC of India	P-16
30	Copy of the letter dated 8/8/1994 issued by Ms. S.K.Bharucha on behalf of Oval Cooperage Residents' Association to LIC of India	P-17
31	Copy of the letter dated 2/8/1994 issued by S.V.Nayak& Associates to the Oval View Residents' Association	X-14
32	Copy of the Inspection Report dated 10/8/1994 issued by S V Nayak & Associates	X-15
33	Copy of the letter dated 15/5/1995 issued by Dy. Commissioner of Police, Zone-II, Bombay to Mr. Prithviraj Bajaj	P-18
34	Copy of the Charge Sheet in FIR no.499/94	P-19
35	Copy of the Discharge Order dated 9/1/2000 issued by the Ld. Metropolitan Magistrate, 8 th Court, Esplanade	P-20
36	Copy of the letter dated 25/2/2004 issued by the Office of Regional Meteorological Centre, Vile Parle (East) to Prithviraj Bajaj	P-21
37	Copy of the letter dated 20/9/1994 issued by the Maharashtra Housing and Area Development Authority to Prithviraj Bajaj & Bindu Prithviraj Bajaj	P-22
38	Copy of the letter dated 10/11/1994 issued by the Bombay Metropolitan Regional Development Authority to Prithviraj Bajaj & Bindu Prithviraj Bajaj	P-23
39	Copy of the letter dated 22/11/1994 issued by the	P-24

	Building Proposal Department to Prithviraj Bajaj & Bindu Prithviraj Bajaj	
40	Copy of the Income Tax Challan Assessment Year 1995-96	X-16
41	Copy of the Income Tax Challan Assessment Year 1995-96	X-17
42	Copy of the Income Tax Challan Assessment Year 1995-96	X-18
43	Copy of the Income Tax Challan Assessment Year 1995-96	X-19
44	Copy of the letter dated 2/7/1994 issued by V.R. Mamoya & Associates, Chartered Accountants to Pranaya Bajaj	X-20

10. S.O. to 10th March, 2022.

(A. K. MENON, J.)