

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

SUIT NO.3407 OF 1995

Mumbai Metropolitan Region Development  
Authority .. Applicant  
In the matter between  
Prithviraj Harbhagwandas Bajaj & Anr. .. Plaintiffs  
v/s.  
Life Insurance Corporation of India & Ors. .. Defendants

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

Ms. Snehal Paranjape a/w Mr. J.P. Kapadia a/w O. Mohandas i/b. Little &  
Co. for defendant no.1.

Mr. P.G. Lad a/w Ms. Prerana Dhoke for defendant no.2.

Ms. Kavita N. Solunke a/w Mayank Mishra for defendant no.3 and for  
the applicant in IA/2973/2022.

Ms. Sheelpa Redkar a/w Pooja Yadav for defendant no.4.

CORAM : A. K. MENON, J.

DATED : 19TH APRIL, 2022.

P.C. :

1. Called for admission and denial of documents.
2. Article "X-9" for identification consists of two documents. One is

an undated letter which is signed by one R. Bhandari and X.K. Aga, said to be office bearers of Oval View Tenants Association. It is believed to be the forwarding letter of Record of a meeting held at headquarters of the defendant no.1 on 7<sup>th</sup> July, 1994. The Minutes are received by the defendant no.1. However, they do not admit its contents since by their letter dated 1<sup>st</sup> August, 1994 the defendant no.1 has disputed the correctness of the Minutes.

3. Ms. Paranjape on behalf of the defendant no.1 states some relevant documents which had not been disclosed in the affidavit of documents have not been located. She craves leave to file an additional Affidavit of Documents disclosed those other document that the Corporation has in their power and possession in relation to the suit dispute. In the meantime she submits that the record of the meeting as filed may be marked to the extent that the Minutes exist but the defendant no.1 does not admit its contents which the plaintiffs must prove.

4. Meanwhile, the learned counsel for MMRDA–respondent no.3 points out that MMRDA has filed the IA seeking deletion of their name from the array of defendants since according to them the suit is not maintainable against them for want of cause of action. The record indicates that by order dated 23<sup>rd</sup> July, 2007 passed in

the suit whereby the suit is directed to be proceeded against defendant nos.3 & 4. In view thereof, it is not possible to accede the request of defendant no.3 to be deleted from array of parties.

5. Accordingly, I pass the following order;

(i) "X-9" shall be marked Exhibit 'P-26' subject to proof of contents.

(ii) Additional documents on behalf of the defendant no.1 to be filed on or before 4<sup>th</sup> May, 2022. Additional affidavit of documents shall be furnished before the next date along with copies.

(iii) S.O. to 4<sup>th</sup> May, 2022.

(iv) IA no.2973 of 2022 is dismissed.

(A. K. MENON, J.)