

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

Mr. Rahul Sardar a/w Manthul Bajpai, Vinishabh Vig, Manik Joshi i/b.  
M/s. Crawford Bayley & Co. for the plaintiffs.

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

Ms. Sayli Apte a/w Prerana Dhoke i/b. P.G. Lad for defendant no.2.

Ms. Pooja Yadav a/w Yamuna Parekh for defendant no.4.

CORAM : A. K. MENON, J.

DATED : 6TH JUNE, 2022.

**P.C. :**

1. On behalf of the plaintiffs, it is stated that pursuant to an application made by them to the Court of the Chief Metropolitan Magistrate, certified copies of 13 documents as described in an additional affidavit in lieu of examination-in-chief, which the plaintiff seeks to tender has now been received. Photocopies of these certified copies have been provided to the defendants.

However the court finds that many of these are not legible. Case no.20/P/2000 has since been closed.

2. In view thereof and considering the fact that the trial of the suit is now underway, it is appropriate that the original documents lying in and being at the registry of the Metropolitan Magistrate's Court in Case no.20/P/2000 are called for so as to enable the parties to proceed with the trial including by permitting the defendant to take inspection of these documents and the process of completing admissions and denials.
3. Accordingly, Prothonotary and Senior Master of this court is directed to call upon the court of the Chief Metropolitan Magistrate to dispatch the original file containing the following 13 documents and to enable the defendants to take inspection of the same in the registry.

1	Copy of RTI Application dated 3 <sup>rd</sup> March, 2022.
2	Copy of the reply received from Public Information Officer, RTI dated 21 <sup>st</sup> March, 2022.
3	Copy of the application for certified copies filed before the Hon'ble Esplanade Court, Mumbai dated 11 <sup>th</sup> May, 2022.
4	Copy of the receipt issued by the Registry of the Hon'ble Esplanade Court.
5	Copy of Panchnama signed by Mr. Kishore Mahadeo Gandhi and Mr. Jayesh Kishore Gandhi.

6	Copy of Panchnama signed by Mr. Ravi Amarnath Sud.
7	Copy of Panchnama signed by Mr. Rajkumar Chhabria and Mr. Jaikumar Jain.
8	Copy of the FIR No. 499/94 registered by the Cuffe Parade Police Station.
9	Copy of the Statement dated 18 <sup>th</sup> February, 1995 of Mr. Sureshchandra Ahuja.
10	Copy of the Statement dated 2 <sup>nd</sup> March, 1995 of Mr. Omprakash Vashishta, Executive Engineer, Civil Engineering Dept, LIC of India.
11	Copy of the Statement dated 16 <sup>th</sup> March, 1995 of Mr. Hukmatsingh Manwani, Executive Engineer, "A" ward, LIC of India.
12	Copy of the Statement dated 6 <sup>th</sup> July 1994 of Mr. Prithviraj H. Bajaj (Plaintiff No. 1).
13	Copy of the Statement dated 13 <sup>th</sup> July 1994 of Mr. Prithviraj H. Bajaj (Plaintiff No. 1) along with its English translation.

4. Let this be done within two weeks from today.
5. Meanwhile, on behalf of the plaintiffs, it is contended that Exhibit "X-13" is subject matter of a Notice to Admit, issued to the Municipal Corporation of Greater Mumbai. The Corporation is represented today and the learned counsel for the Corporation states that the concerned officer will remain present tomorrow in response to the notice.

6. S.O. to 7<sup>th</sup> June, 2022 at 2.30 p.m.

(A. K. MENON, J.)