

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 786 OF 1994

Wider Church Ministries (formerly known as
United Church Board of World Ministry)

... Plaintiff

Versus

Municipal Corporation of Greater Bombay and others ... Defendants

.....

Mr. Piyush Raheja alongwith Mr. Akash Loya and Mr. Anuj Jaiswal,
instructed by Little & Co., Advocate for the Plaintiff.

Mr. P.G. Lad alongwith Ms. Sayali Apte instructed by Ms. Komal
Punjabi, Advocate for the MCGM-Defendants No.1 and 2-MCGM.

Mr. Robert Moses, witness, present.

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CORAM : ABHAY AHUJA, J.

DATE : 24 SEPTEMBER 2025

PC. :

1. Pursuant to the order dated 18th August 2025, today when the matter is called out, Mr. Raheja, learned Counsel, appears for the Plaintiff and submits that the Plaintiff's witness Mr. Robert Moses is present in Court today for further marking of documents in the additional compilation of document of the Plaintiff dated 30th June 2017 and also for the documents denied by the Defendants in the compilation of documents containing 26 documents.

2. The witness is directed to step into the witness box and is administered oath by the learned Associate of this Court.

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PW-1 :

Name : Robert Moses
Age : 55 years
Occupation : Service
Address : W.F.P.M. Hospital, Wai, District : Satara

Further Examination-in-chief of Mr. Robert Moses, PW-1 on S.A. :

(Mr. Moses is shown the additional compilation of document of the Plaintiff which contains copy of the letter SNW/KG/SM/ dated 30/9/1993 served through Registered A.D. and Speed Post alongwith the original acknowledgments by the office of the Defendants No.1, 2 and 3 and the Affidavit of examination-in-chief dated 3rd December 2019, marked as Exhibit PW-1/1.)

3. It is stated by PW-1 that the said document dated 30th September 1993 is a copy of the notice by the Advocates for the Plaintiff No.1 under Section 527 of the Bombay Municipal corporation Act, 1888 to the Defendants No.1, 2 and 3 and that the same have been duly acknowledged by the Office of the said Defendants. It is stated that the contents of the said letter are true and correct. The witness also states that the original acknowledgment cards are also annexed.

4. On 18th August 2025, Mr. Lad, learned Counsel, for the

Defendants No.1 and 2 had sought some time to consider the said document in the additional compilation of document and to file additional statement of admission and denial.

5. Today when the matter is called out, Mr. Lad, learned Counsel, appearing for the Defendants No.1 and 2 submits that the existence of the said document cannot be denied, however, the contents cannot be admitted and that therefore, this Court may mark the said document, subject to proof of contents.

6. Accordingly, the document at serial No.1 in the additional compilation of documents of the Plaintiff dated 30th June 2017, viz. copy of the letter SNW/KG/SM/ dated 30/9/1993 served through Registered A.D. and Speed Post alongwith the original acknowledgments by the office of the Defendants No.1, 2 and 3, is marked as **Exhibit PW-1/16**, subject to proof of contents.

7. The witness is thereafter shown the document at serial No.2 of the compilation of documents, containing 26 documents, viz. copy of the sub-lease dated 13th April 1974. It has been stated by the witness that by the said sub-lease, the Plaintiff No.1 had granted sub-lease of a portion of the Nagpada land, admeasuring 3,433.31 sq. yards together with the structure standing thereon to the Defendant No.3 for a period of 98 years at annual lease rent of Rs.1,40,000/- per annum, on the

terms contained therein. That a form of sub-lease to be executed by the Plaintiff is also annexed to it. That the said document is a photocopy and that the photocopy was made out of the original and was compared by PW-1 with the original.

8. Although Mr. Lad drawing the attention of this Court to the statement of admission and denial submits that existence and contents of the said document is denied, however, after Mr. Raheja, learned Counsel appearing for the Plaintiff has drawn this Court's attention to the written statement filed by the said Defendants and in particular paragraphs 5(b), (c) and (d) thereof which clearly state that the Defendants have admitted the factum of the sub-lease as a knowledge of the said Defendants and also craved leave to refer and rely upon the said document, Mr. Lad submits that the said document may be marked as an exhibit. Accordingly, the said document at serial No.2, viz. copy of the sub-lease dated 13th April 1974 is marked as **Exhibit PW-1/17**.

9. Since it is already 5.10 p.m., list for marking of balance documents on **29th November 2025 at 5.00 p.m.**

10. The Plaintiff's witness is accordingly discharged for the day.

11. Let the Plaintiff's witness remain present in Court on the next date.

(ABHAY AHUJA, J.)