

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O. O. C. J.**

**SUIT NO.2901 OF 2010  
WITH  
NOTICE OF MOTION NO.3616 OF 2010**

Razia Amirali Shroff & Ors. ...Plaintiffs.  
Vs.  
M/s.Nishuvi Corporation & Ors. ...Defendants.

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Mr.Ashutosh Kumbhakoni with Mr.Gautam Mehta i/b.Mr.Chirag Shah for the Plaintiffs.  
Mr.P.G.Karande with Mr.P.G.Palshikar i/b. M.G.Gawde for the Defendants.

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**CORAM : DR.D.Y.CHANDRACHUD, J.**

**April 18, 2011.**

**P.C. :**

Preliminary issues have been framed on 6 April 2011 under Section 9A of the Code of Civil Procedure, 1908. Counsel appearing on behalf of the Defendants has tendered a list of the documents referred to and relied upon for determining the preliminary issues. Learned Counsel states that if these documents are admitted, that would obviate the need to lead evidence on the preliminary issues. Counsel appearing on behalf of the Plaintiffs states that the Plaintiffs had not disputed the factum of the Consent Term at Sr.No.1 and of the Written Statement filed by the

Defendants at Sr.No.5 of the list of documents. However the Plaintiffs keep all the rights and contentions open in regard to the contents thereof. Subject to this objection, the documents at Sr.Nos.1 to 5 of the list of documents are marked in evidence as Exhibits D-1 to D-5. Hearing on the preliminary issues shall be posted to 28 April 2011 along with the Notice of Motion.

( Dr.D.Y.Chandrachud, J.)