



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4002 OF 2023

Radheshyam Jangad ...Petitioner
Versus

Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. ...Respondents

**WITH
WRIT PETITION NO. 4004 OF 2023**

Nemichand Giridharilal Gupta ...Petitioner
Versus

Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. ...Respondents

**WITH
WRIT PETITION NO. 4005 OF 2023**

Suresh Babu Diwakar ...Petitioner
Versus

Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. ...Respondents

**WITH
WRIT PETITION NO. 4006 OF 2023**

Mukesh Surjaram Khawal ...Petitioner
Versus

Shanti Pralhad Sakla w/o. Late Pralhad Narayan Sakla
(Through her Constituted Attorney and Son)
Mr. Satish Sakla & Ors. ...Respondents

Mr. Mohit Jadhav a/w Ms. Megha Shigavan, Ms. Kajal Chourasia
and Mr. Shubham Shinde for the Petitioners.

Mr. Ashok Kumar Dubey a/w. Mr. Abhinav Dubey, Ms. Aarati
Kushwaha, i/b. SAVJ Law Solutions, for Respondent No.3.

Sonali

Dr. Birendra Saraf, Advocate General (Present on earlier dates).

Mr. P.P. Kakade, Government Pleader and Mr. P.G. Sawant- AGP, for Respondent No.6 – State.

Mr. Dharmesh Joshi i/b. T.D. Joshi and Associates for Respondent No.7.

Mr. G. N. Salunke, i/b. Ms. Savita Yadav for Respondent No.8.

Mr. Girish Godbole, Senior Counsel - Amicus Curiae.

Mr. Sachin B. Bhansali, the Prothonotary & Senior Master a/w. Mrs. C. J. Bhatt-Company Registrar/Testamentary Registrar- present.

Mr. Rajan Malkani, Advocate – present.

Mr. V. M. Parkar, Advocate – present.

Mr. Satish Pralhad Sakla - Respondent No.3 – present.

Ms. Manisha Pandurang More, Respondent No.7- present.

Mr. Sagar Shamrao Pawar, Respondent No.8- present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 4th MAY 2023

P.C. :

1. In Writ Petition No.4002 of 2023 the challenge is to the legality and validity of order dated 1st August 2022 passed by the learned Judge, Small Causes Court at Mumbai (Bandra Branch) below Exhibit- 33 in R.A.E. & R. Suit No.374/528 of 2011. The said application was filed by Plaintiffs i.e. Respondent Nos. 1 to 3 seeking leave for production of additional documents

Sonali

under Order XIII Rule 1, 4 and 7 and Order XVI Rule 6 and 7 of C.P.C. By impugned order, the learned Trial Court allowed the said application. Thus, production of documents were allowed and the said suit was adjourned for hearing on admissibility of documents. The order impugned in other Writ Petitions is also similar.

2. These Writ Petitions were heard in the morning session on 30th March 2023 and were rejected. As by the impugned order, merely production of documents were allowed and matter was kept for hearing on admissibility of documents it is observed in order dated 30th March 2023 that there is no prejudice caused to the Petitioners and therefore, interference under Article 227 of the Constitution of India is not required. Accordingly, the Writ Petitions were dismissed, however, by said order it is clarified that all the contentions in respect of admissibility of the documents produced by the Respondents was kept open. Said order dismissing the Writ Petition was passed on 30th March 2023 in the morning session. However, at 1.32 p.m., learned Prothonotary and Senior Master, High Court (Original Side), Bombay received complaint dated 30th March

Sonali

2023 made by Mr. Vishwanbhar M. Parkar, Advocate having address at 1/B, 403, Saamana Parivar CHS Limited, General Arun Kumar Vaidya Marg, Goregaon (East), Mumbai-400 065.

The said complaint is set out hereinbelow:-

“Date : 30.03.2023

To,
Prothonotary & Sr. Master,
High Court, Original Side,
Mumbai.
Sir,

Ref ; High Court, Testamentary & Intestate
Jurisdiction Testamentary Petition Lodging
No.589 of 2018;

On 29th March, 2023 at 6.12 pm I received WhatsApp message on my mobile from Mobile No.9819432558 wherein I received an order of High Court allegedly passed in Testamentary Petition (Lodging) No.589 of 2018. At that time, I was meeting with my colleague advocate at her office at Santacruz. After reading the said order carefully, I noticed that, the said order is bogus and fraudulent order. That, I had filed vakalatnama in Testamentary Petition fled by Smt. Shanti Sakla viz: Testamentary Petition No.593 of 2018 and hence, it is my duty to bring to your office notice the said bogus and fraudulent orders. I further request your authority to take necessary action as permissible under the law.

Yours faithfully,

4/37

Sonali

(V.M.PARKAR)
Advocate”
(**Emphasis added**)

3. In view of said complaint, learned Prothonotary and Senior Master, High Court (Original Side), Bombay placed before this Court report dated 30th March 2023. The said report *inter alia* states as follows:-

“It is respectfully further submitted that alongwith his said Complaint letter, **the Advocate for Petitioner has enclosed a photocopy of some alleged true copy of some Oral Judgment in aforesaid Testamentary Petition Lodging No.589 of 2018 purportedly passed by this Hon'ble Court with Coram: R. D. Nalawade, J. The said alleged Order does not bear any date.** However, at foot of page 2, it is mentioned "Signature not verified; Digitally signed by R. D. Nalawade (J.), Date : 2019.04.09, Time : 12.30.38". It is respectfully submitted that the **aforesaid Testamentary Petition No.593 of 2018 (i.e. Testamentary Petition Lodging No.589 of 2018) filed by said Shanti Pralhad Sakala, Petitioner abovenamed, was dismissed under Rule 435 of the High Court (Original Side) Rules, 1980, as per Notice dated 25th April, 2022 for non-prosecution.** It is further submitted that upon perusal of the Minutes of Orders of aforesaid Petition, **the**

Sonali

aforesaid alleged Order/Judgment is not found. It is respectfully further submitted that Mr. V. M. Parkar, Advocate for Petitioner, has while handing over the aforesaid Complaint informed to the Prothonotary and Senior Master that four matters of said Petitioner are listed today on board of Your Lordship at Sr. Nos.908 to 911. **The aforesaid Complaint letter has been received around 1.32 p.m. and the aforesaid matters came to be disposed of by Your Lordship in the Morning Session. Under the aforesaid circumstances, the said Complaint letter is placed before Your Lordship for perusal and appropriate further directions."**

(Emphasis added)

4. The above report of learned Prothonotary and Senior Master, High Court (Original Side), Bombay, clarifies that said Testamentary Petition No.593 of 2018 (i.e. Testamentary Petition (L) No.589 of 2018) (hereinafter referred to as the **"said Testamentary Petition"**) filed by Shanti Pralhad Sakla was dismissed under Rule 435 under Chapter XXVI of the High Court (Original Side) Rules, 1980 for non-prosecution and the alleged order and judgment allegedly passed in said Testamentary Petition has not been found in the record. In view

Sonali

of the said complaint of very serious nature and as fraudulent order of this Court purportedly passed in said Testamentary Petition is being used by the Respondent Nos. 1 to 5 i.e. the original Plaintiffs, the order passed in the morning session on 30th March 2023 of dismissing the Writ Petitions was recalled and all the Writ Petitions were directed to be restored to the file.

5. It is also noticed that the said purported order is produced before the Small Causes Court along with application bearing Exhibit-33 in R.A.E. & R. Suit No.374/528 of 2011. In the Writ Petition compilation, from pages 21 to 24 at Exhibit-B, copy of said application being Exhibit-33 of the Plaintiffs seeking leave of the Court to produce additional documents under Order XIII Rule 3, 4 and 7 and Order XVI Rule 6 and 7 of the C.P.C. was annexed. The said application bears verification of Respondent No.3-Satish Pralhad Sakla. The said application is reproduced hereinbelow for ready reference:-

“IN THE COURT OF SMALL CAUSES AT BOMBAY

[BANDRA BRANCH]

R. A. E. & R. SUIT NO. 374/528 OF 2011

PRALHAD NARAYAN SAKLA & Ors.
...(Since Deceased)

7/37

Sonali

...Plaintiffs

Versus

Radheshyam Jangad

...Respondent

**APPLICATION OF THE PLAINTIFFS SEEKING
LEAVE OF THIS HON'BLE COURT TO PRODUCE
ADDITIONAL DOCUMENTS UNDER ORDER 13-
RULE 3-4-7 AND ORDER 16, RULE 6-7 OF THE
C.P.C.**

MAY IT PLEASE YOUR HONOUR

**I Mr. Satish Sakla Age 38 years, the Plaintiff No.3
for self and as Constituted Attorney of Plaintiffs
No.1, 2, 4 and 5 above named. residing at Plot
No.26, C.T.S. No.585/1 to 14 Ram Mandir Road,
Kherwadi, Bandra (East), Mumbai-400 051 do
hereby state on Solemn affirmation as under:-**

**1) I state that I have already filed my Affidavit of
Evidence and Compilation of Documents. I state that
since the Present Suit is part of the group of Suits
only one original Set of Documents was filed and
copies thereof provided to the Defendants.**

**2) I state that the Defendants has denied my title of
the Suit Premises and after my Late father Mr.
Pralhad Narayan Sakla's death (Original Plaintiff) I
had to hunt for the documents and take steps to
bring myself and other Plaintiffs on record as the
heir and landlord of the Suit Premises.**

Sonali

3) I state that my mother Mrs. Shanti Pralhad Sakla has filed a Testamentary Petition No.589 of 2018 In the High Court of Judicature at Bombay Testamentary and Intestate Jurisdiction to bring her and the children of Late Pralhad Sakla (Present Plaintiffs) on record.

The matter came up for hearing on 9th April 2019 Before his Lordship Justice Shri R. D. Nalawade who passed an Oral Judgement in the matter.

4) I state that I am now in Possession and Power of the Said Oral Judgement dated 09/04/2019 of the Bombay High Court, which is absolutely relevant and admissible to the Subject matter of the Present Suit.

I hereby tender the Original Certified copy of the Oral Judgement dated 09/04/2019 passed by the Hon'ble High Court Bombay by His Lordship Justice Shri R. D. Nalawade along with a copy thereof and pray that the same be taken on record exhibited and admitted in the evidence and marked as Exhibit.

5) I state that there after the State of Maharashtra through Collector of Bombay brought the Plaintiffs on record in the Property Card and uploaded the same on its Site as Public Document.

I hereby tender notarized copies of the Property Card in respect of the Suit Premises down loaded on

Sonal

5th June 2022 and pray that the same be taken on record, exhibited and admitted in evidence and marked as Exhibit.

6) I state that as both the aforesaid documents are available to the Public on the Site of High Court Bombay and the Site of Government of Maharashtra through Collector of Bombay respectively are deemed to be Public Documents which do not require any Proof and can be admitted at any stage under the Provisions of Order 13, Rule 3, 4, 7 and Order 16, Rule - 6, 7, 15 and 21 of the Civil Procedure Code and hence humbly pray that the same be admitted in evidence and exhibited.

7) I state that it is pertinent to note that since I am in Possession of only one single copy of the original Oral Judgement of the Bombay High Court dated 09/04/2019, I pray that the same be taken on "Record-in-Common" for all the 13 Suits wherein the Plaintiff is Common, the Suit Premises are also on the same Plot of Land and hence exhibited and admitted in evidence and marked as Exhibits.

Dated this 20 Day of June 2022.

VERIFICATION

I Satish Pralhad Sakla for myself and as the constituted attorney of my mother Smt. Shanti Pralhad Sakla widow of Late Pralhad Narayan Sakla and my brothers Prakash Pralhad Sakla, Mukesh

Sonali

Pralhad Sakla, Girish Pralhad Sakla being the sons of Late Pralhad Narayan Sakla the Plaintiff above named do hereby affirmed and state on solemn affirmation and say that what is stated in the paragraphs hereinabove is true to my own knowledge and belief and I believe the same to be true.

Solemnly affirmed at Mumbai

Dated thisday of June 2022

Advocate for the Plaintiffs

Satish Pralhad Sakla
Plaintiff No.3.
For self & constituted attorney
of Plaintiff No.1, 2, 4 & 5."

(Emphasis added)

6. It is significant to note that in the affidavit, it has been represented by Mr. Satish Pralhad Sakla on behalf of the Plaintiffs i.e. Respondent Nos. 1 to 5 that mother Mrs. Shanti Pralhad Sakla has filed Testamentary Petition No.598 of 2018 in the High Court of Judicature at Bombay Testamentary and Intestate Jurisdiction. It is stated that said Testamentary Petition came up for hearing on 9th April 2019 before his Lordship Justice R. D. Nalawade who passed an oral judgment in the matter. It is further stated by said Mr. Satish Pralhad

Sonali

Sakla that he is in possession of only one copy of the original oral judgment dated 9th April 2019 of the Bombay High Court. It is further stated in the said application that, the State of Maharashtra through Collector of Bombay brought the names of Plaintiffs on record in the Property Card and uploaded the same on its site as public document. Copies of the said Property Cards are also produced along with the said application. It is further stated that both the aforesaid documents are available to the public on the site of High Court and site of Government of Maharashtra, through Collector of Bombay. Therefore, these are the public documents which do not require any proof and can be admitted at any stage under the provisions of Order XIII, Rule 3, 4, 7 and Order XVI, Rule 6, 7, 15 and 21 of the C.P.C. It is further mentioned that only one original judgment of the Bombay High Court dated 9th April 2019 is in possession of said Mr. Satish Pralhad Sakla and therefore, request is made to take on record oral judgment of Bombay High Court dated 9th April 2019 in all 13 suits. Therefore, it is clear that it is the contention of Respondent Nos. 1 to 5 that the said Testamentary Petition No.589 of 2018 has been disposed of by

Sonali

order dated 9th April 2019 of Hon'ble Lordship Justice R. D. Nalawade. The said purported order of High Court purported to have been passed by Justice R. D. Nalawade is annexed to the said application (Page 25 to 26 of Writ Petition No.4002 of 2023). Scanned copy of said order is reproduced hereinbelow for ready reference:-

25

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 589 OF 2018

Shanti Pralhad Sakhla)
Age: Years, Occ. Housewife)
Resident at G-12 Plot No.-26)
Ram Mandir Road, Kherwadi,)
Bandra (East) Mumbai 400051)Petitioner

VERSUS

State Of Maharashtra)
Through Collector, Mumbai)Respondant

A) Late Narayan Sakhla)
Alias Narayan Hira Sakhla)
B) Late Pralhad Sakhla)
Alias Pralhad Narayan Sakhla)
C) Late Sarlibai Sakhla.)
Alias Sarlibai Narayan Sakhla)Deceased

ORAL JUDGMENT:

By this petition filed under section of Hindu succession act of 1956, the petitioner said that deceased at the time of his death had fixed place at Plot No.26, Ram Mandir Road, Kherwadi, and Bandra East, Mumbai-51. is also mentioned in deceased death certificate issued by Municipal Corporation Of Greater Bombay under section 12/17 of the registration of Births and Deaths act 1976.

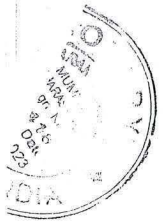
i) In the case of petitioner deceased "A" died at 02/03/1977 and left mother "C" died at 12/08/1989 /him. "B" 16/07/2013/spouse "Petitioner" without any will hence

::: Uploaded on - 09/04/2019 ::: ::: Downloaded on - 15/06/2022 17:07:06 :::

13/37

Sonali

26



surviving as his only inheritor according to section of hindu succession act of 1956.

- ii) It seems that the said deceased "B". "C" and henceforth "Petitioner" is inheritor lessor after death of deceased "A" "B" "C" till expiry of 99 year lease agreement.
- iii) That no any appeal/ requisition/ claim made to any district court or district collectorate of any type of entitled for this leased land.
- iv) The petition is also not opposed by the respondents on the ground that no objection certificates were obtained from two authorities and that the land can be sale after make payment of Conversion Charges Rs 121ac Only + GST as per 15% of total land value which is calculated by the Government Ready Reckoner Rate. It is also the reason stated in the reply filed to this petition that the Government has directed by 2016 appealed amendment of MLRC Act 1966 the sale/ transfer rights of 99 year leased land to lessor are grantable or permissible. It is also the stand that the sale permission from State Of Maharashtra Through Collector Of Mumbai is obtained to petitioner.



(R.D.NALAWADE, J.)

At the request of the learned counsel appearing for the petitioner, ad-interim relief granted, if any, to continue for a period of four weeks from today.

TRUE-COPY
(K. K. TRIVEDI)
COMPANY REGISTRAR
HIGH COURT (O.S.)
BOMBAY

Signature Not Verified
Digitally Signed By
R. D. Nalawade (J)
Date: 2019.04.09
Time: 12:30:38



... Uploaded on - 09/04/2019

... Downloaded on - 15/06/2022 17:07:06 ...

Sonali

7. It is significant to note that said purported order purported to have been passed by Hon'ble Justice R. D. Nalawade of the Bombay High Court is purported to have been uploaded on 9th April 2019 and downloaded on 15th June 2022. On the first page of the said order, there is watermark of High Court of Judicature at Bombay. The said copy is true copy of purported order purported to have been certified by K. K. Trivedi, Company Registrar, High Court (Original Side), Bombay. It is further significant to note that the said purported order is purported to have been digitally signed by Justice R. D. Nalawade on 9th April 2019 at 12:30:38. As set out in the said application, the State Government has also mutated the Property Card. The said Property Cards are also annexed to the said application and they are annexed from pages 27 to 39 of the Writ Petition No.4002 of 2023. One such Property Card at page 27 is scanned and reproduced hereinbelow for reference: -



15/37

This copy is valid in the strength of Xerox copy certified in photocopy. It does not constitute a guarantee of the accuracy of the original.

Sonal

8. As set out hereinabove, learned Prothonotary and Senior Master, High Court (Original Side), Bombay received the complaint made by Advocate V. M. Parkar on 30th March 2023 stating that said order is bogus and fraudulent and that the same has never been passed in the said Testamentary Petition. The learned Prothonotary and Senior Master, High Court (Original Side), Bombay after verifying the record of said Testamentary Petition, in the report submitted to this Court stated that after verification of the record, it is found that no such order is available in the record of said Testamentary Petition and in fact, the said Testamentary Petition has been dismissed under Rule 435 under Chapter XXVI of the High Court (Original Side) Rules, 1980 as per the notice dated 25th April 2022 for non-prosecution.

9. In view of the serious nature of the complaint, notice is issued to Advocate Ashok Kumar Dubey who has appeared for said Respondent No.3 i.e. Satish Pralhad Sakla and also Advocate Rajan Malkani who has filed the said application before the Small Causes Court (Bandra Branch), Mumbai on behalf of the Plaintiffs. By said order dated 30th March 2023,

Sonali

further proceedings in all the 4 suits were directed to be stayed and the learned Registrar, Small Causes Court, Mumbai was directed to immediately seal all the record and proceedings of all the aforesaid suits and submit the same to the learned Prothonotary and Senior Master, High Court (Original Side), Bombay by next date i.e. 31st March 2023. Respondent Nos. 1 to 5 were also restrained from producing said purported order dated 9th April 2019 purported to have been passed by R. D. Nalawade, J. in said Testamentary Petition or copy thereof before any Court or authority. In view of serious nature of the matter, Mr. Girish Godbole, learned Senior Counsel has been appointed as Amicus Curiae to assist the Court.

10. Learned Prothonotary and Senior Master, High Court (Original Side), Bombay has also placed before this Court sitting list of High Court of Bombay Appellate Side/ Original Side w.e.f. 11th March 2019 as well as sitting list of Nagpur Bench and Aurangabad Bench and High Court of Bombay at Goa w.e.f. 11th March 2019. As per the said sitting list, Hon'ble Justice T. V. Nalawade (mentioned in said fraudulent order as R. D. Nalawade, J.) was sitting with Hon'ble Justice Mangesh Patil in

Sonal

Division Bench w.e.f. 11th March 2019 at Aurangabad Bench of the Bombay High Court. The learned Prothonotary and Senior Master High Court (Original Side), Bombay who is present in Court, on instructions, stated that till May Vacation i.e. 4th May 2019, the said sitting was continued. Relevant portion of sitting list of Aurangabad Bench of High Court w.e.f. 11th March 2019 is as follows:-

AURANGABAD BENCH

**SITTING LIST W.E.F. 11th MARCH 2019
(Partial Modification wef 12-3-2019)**

Sr. No.	Present sitting	Assignment
3.	The Hon'ble Shri Justice T. V. NALAWADE AND The Hon'ble Shri Justice MANGESH S. PATIL	For admission, hearing and order matters therein:- (A) All Criminal Appeals. (B) Applications under Section 482 of Cr.P.C. and All Writ Petitions for quashing of FIR, C.R., Charge sheet, complaints except those assigned to Court No.1. (C) All other Criminal Writ Petitions. (D) All other Criminal Work.

11. On 30th March 2023, the matter was adjourned to 10th April 2023 (First on Board). On 10th April 2023, Advocate

Sonal

Ashok Kumar Dubey as well as Advocate Rajan Malkani were personally present pursuant to notice issued to them. Respondent No.3-Satish Pralhad Sakla was also personally present and he is the Constituted Attorney of Respondent Nos. 1, 2, 4 and 5. He filed affidavit dated 10th April 2023. In view of the contentions raised in the said affidavit of Mr. Satish Pralhad Sakla, notice was directed to be issued to Advocate V. M. Parkar and Mr. Sagar Pawar. On 10th April 2023, Respondent No.3-Satish Pralhad Sakla submitted written undertaking to this Court that he would remain present on each and every date of hearing of the petition and said undertaking was accepted by this Court. The matter was thereafter kept on 17th April 2023.

12. On 17th April 2023, Mr. V. M. Parkar, learned Advocate as well as Mr. Sagar Pawar were present. In the affidavit dated 10th April 2023 of Mr. Satish Pralhad Sakla, reference is made to the total 12 suits including the 4 suits which are the subject matter of all the aforesaid Writ Petitions. Therefore, by said order dated 17th April 2023 further proceedings of all the above balance 8 suits pending before the Small Causes Court (Bandra Branch), Mumbai were directed to be stayed till further orders

Sonali

and record of all the 8 suits were directed to be sealed and learned Registrar Small Causes Court was directed to submit the said record to learned Prothonotary and Senior Master, High Court (Original Side), Bombay by next day i.e. by 18th April 2023.

Sonali

13. It is shocking to note that apart from the fraudulent order purported to have been passed by Justice R. D. Nalawade in said Testamentary Petition, fraudulent challans for payment towards Bombay High Court Testamentary Jurisdiction of Rs. 13,00,000/-, Rs.3,00,000/- and Rs.55,000/- were produced along with the said affidavit of said Mr. Satish Pralhad Sakla. Scanned copies of said fraudulent challans are as follows:-

GRN MH011313170 202223M		BARCODE	Date 28/11/2022-16:12:47	Form ID
Department High Court		Payer Details		
Type of Payment Other Receipts Miscellaneous Receipts.		TAX ID (Case No.)		
Office Name BOMBAY HC ORIGINAL		PAN No.(If Applicable)		
Location MUMBAI		Full Name SHANTI PRALHAD SAKLA		
Year 2022-2023 One Time		Flat/Block No. PLOT NO 25		
Account Head Details		Premises/Building		
Amount in Rs. 300000.00		Road/Street RAM MANDIR ROAD		
0070045701 Miscellaneous Receipts		Area/Locality KHERWADI BANDRA EAST		
		Town/City/District		
		PIN 4 0 0 0 5 1		
Remarks (Party Details) SHANTI PRALHAD SAKLA VS STATE OF MAHARASHTRA THROUGH COLLECTOR MUMBAI				
Total		Amount in Words Three Lakh Rupees Only		
Payment Details STATE BANK OF INDIA		FOR USE IN RECEIVING BANK		
Cheque/DD Details		Bank CIN Ref. No. CPACGILLY6		
Cheque/DD No.		Bank Date RBI Date Not Verified with RBI		
Name of Bank		Bank-Branch STATE BANK OF INDIA		
Name of Branch		Scroll No. , Date		
Department ID : Cut Here		Mobile No. : 9321371073 Cut Here		
State Bank Collect		Pre Acknowledgment Payment (PAP) Form for Payment through any SBI Branch		
Branch Teller: Use SCR 008765 Deposit > Fee Collection > State Bank Collect		Branch Copy		
Beneficiary/Remittance Details		Mode of Payment Cash Cheque/DD		
State Bank MOPS Reference No. : CPACGILLY6		Cash Notes Amount Rs Paise		
Beneficiary MAHARASHTRA GOVT (GRAS)		2000 x		
GRN MH01131317020223M		500 x		
Full Name SHANTI PRALHAD SAKLA		200 x		
Amount 3,00,000 Three Lakh Rupees Only		100 x		
		50 x		
		20 x		
		10 x		
Cheque/DD No.		Total Rs		
Cheque/DD Date				
Drawee Bank				
Drawee Branch				
Branch Stamp		Signature of Depositor		

21/37

CHALLAN
MTR Form Number-6

Date: 28/11/2023-18:18:59 Form ID: _____

GRN MH011313824 202223M		BARCODE		Date: 28/11/2023-18:18:59		Form ID	
Department: High Court		Other Receipts		TAX ID (Case No.)		Payer Details	
Type of Payment: Miscellaneous Receipts.		PAN No. (If Applicable)					
Office Name: BOMBAY HC ORIGINAL		Full Name: SHANTI PRALHAD SAKLA					
Location: MUMBAI		Flat/Block No.:		PLOT NO 28			
Year: 2022-2023 One Time		Premises/Building:		ROOM MANDIR ROAD			
Account Head Details: 0070045701 Miscellaneous Receipts		Amount In Rs. 55000.00		Road/Street: KHERWADI BANDRA EAST			
				Area/Locality:			
				Town/City/District:			
				PIN: 4 0 0 0 5 1			
				Remarks (Party Details):			
				SHANTI PRALHAD SAKLA VS STATE OF MAHARASHTRA THROUGH COLLECTOR MUMBAI			
		Amount In: 55,000.00		Words: Fifty Five Thousand Rupees Only			
Total:							
Payment Details: STATE BANK OF INDIA		FOR USE IN RECEIVING BANK					
Cheque/DD No.:		Bank CIN:		Ref. No.:		CPACGLUZ0	
Name of Bank:		Bank Date:		RBI Date:		Not Verified with RBI	
Name of Branch:		Bank-Branch:		STATE BANK OF INDIA			
Department ID: _____		Cut Here		Mobile No.: 8321371078		Cut Here	

State Bank Collect Pre Acknowledgment Payment (PAP) Form for Payment through any SBI Branch Branch Copy

Branch Teller Use SCR 008765 Deposit > Fee Collection > State Bank Collect

Beneficiary/Remittance Details		Mode of Payment		Cash		Cheque/DD	
State Bank MOPS Reference No.: CPACGLUZ0		Cash Notes		Amount		Rs	
						Paise	
Beneficiary:	MAHARASHTRA GOVT (GRAS)	2000 x					
GRN:	MH01131382420223M	500 x					
Full Name:	SHANTI PRALHAD SAKLA	200 x					
Amount:	55,000 Fifty Five Thousand Rupees Only	100 x					
		50 x					
		20 x					
		10 x					
Cheque/DD No.:							
Cheque/DD Date:							
Drawee Bank:							
Drawee Branch:							
		Total Rs					

Branch Stamp Signature of Depositor

Page 1/1 Print Date: 28-11-2023 18:18:59

EXHIBIT "E"

60

CHALLAN
MTR Form Number-9



GRN	MH001644056201923M	BARCODE	Date		27/02/2019-15:10:51	Form ID
Department	Bombay High Court, Testamentary Jurisdiction		Payer Details			
Type of Payment	Judicial Deposit	TAX ID / TAN (if Any)	DSCTAX01			
Office Name	BOMBAY HIGH COURT TESTAMENTORY	PAN No.(if Applicable)				
Location	MUMBAI	Full Name	Shanti Pralhad Sakia			
Year	2018-2019 One Time	Flat/Block No.				
Account Head Details		Amount In Rs.	Premises/Building			
007002801	Court Deposit Fee	1300000.00	Road/Street			
			Area/Locality			
			Town/City/District			
			PIN			
			4 0 0 0 0 5 1			
			Remarks (if Any)			
			TESTAMENTARY PETITION DEPOSITE			
			Amount In			
			Thirteen Lakh Rupees Only			
			Words			
			13,00,000.00			
Payment Details		STATE BANK OF INDIA		FOR USE IN RECEIVING BANK		
Cheque-DD Details		Bank CIN	Ref. No.	09658743218458721680	CPACBTVEN4	
Cheque/DD No.		Bank Date	RBI Date	27/02/2019-15:10:51	Verified with RBI	
Name of Bank		Bank-Branch	STATE BANK OF INDIA			
Name of Branch		Scroll No. , Date	56159461 27022019			

Sonali

14. Apart from that, along with the said affidavit of Mr. Satish Pralhad Sakla dated 10th April 2023, order purported to have been passed by Sonali K. Dighe date 7th February 2023 is produced.

The said order is also scanned and reproduced hereinbelow for ready reference:-

15. Along with affidavit of Manisha More at page 229,

EXHIBIT "B"

HIGH COURT OF JUDICATURE AT BOMBAY

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 589 OF 2018

Shanti Pralhad Sakla)Petitioner

Versus

State Of Maharashtra)
Through Collector, Mumbai)Respondant

Vishwambhar Mahadev Parkar i/b Advocate for the Petitioner

CORAM : SONALI K. DIGHE.
DATE : 7TH FEBRUARY 2023.

ORAL JUDGEMENT:

By this petition filed under section of Hindu succession act of 1956, the petitioner said that deceased at the time of his death had fixed place at Plot No.26, Ram Mandir Road, Kherwadi, and Bandra East. Mumbai-51. is also mentioned in deceased death certificate issued by Municipal Corporation Of Greater Bombay under section 12/17 of the registration of Births and Deaths act 1976.

i) In the case of petitioner deceased Late Pralhad Sakhla Alias Pralhad Narayan Sakla "Petitioner" without any will hence surviving as his only inheritor according to section of Hindu succession act of 1956.

ii) It seems that the said deceased Late Pralhad Sakhla Alias Pralhad Narayan Sakla "Petitioner" is inheritor lessor after death of deceased Pralhad Narayan Sakla till expiry of 99 year lease agreement it will be transfer to Smt. Shanti Pralhad Sakla and her legal Hears i) Shri. Satish Pralhad Sakla and ii) Shri. Girish Pralhad Sakla.

iii) The Order raised after make payment of Transfer Charges Rs 15,00,000/-Lakh Only + GST. Which is calculated by the Government Ready Reckoner Rate.

34/37


SONALI K. DIGHE.

... Uploaded on - 04/05/2023 ... Downloaded on - 05/05/2023 13:07:56 ...

Sonali

another order dated 17th November 2022 purported to have been passed by Sonali K. Dighe is produced. The scanned copy of said order is reproduced hereinbelow for ready reference:-

Exhibit "C"


IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 589 OF 2018

Shanti Pralhad Sakhla)Petitioner

Versus

State Of Maharashtra)
Through Collector, Mumbai)Respondant

 Vishwambhar Mahadev Parkar i/b Advocate for the Petitioner

CORAM : SONALI K. DIGHE.
DATE : 17TH NOVEMBER 2022.

ORAL JUDGEMENT:

By this petition filed under section of Hindu succession act of 1956, the petitioner said that deceased at the time of his death had fixed place at Plot No.26, Ram Mandir Road, Kherwadi, and Bandra East. Mumbai-51. is also mentioned in deceased death certificate issued by Municipal Corporation Of Greater Bombay under section 12/17 of the registration of Births and Deaths act 1976.

i) In the case of petitioner deceased Late Pralhad Sakhla Alias Pralhad Narayan Sakhla "Petitioner" without any will hence surviving as his only inheritor according to section of Hindu succession act of 1956.

ii) It seems that the said deceased Late Pralhad Sakhla Alias Pralhad Narayan Sakhla "Petitioner" is inheritor lessor after death of deceased Pralhad Narayan Sakhla till expiry of 99 year lease agreement.

iii) The Order raised after make payment of Transfer Charges Rs 3 Lakh Only + GST. Which is calculated by the Government Ready Reckoner Rate.

(SONALI K. DIGHE.)

25/37

Sonali

16. Both the purported orders dated 7th February 2023 and 17th November 2022 purported to have been passed by Sonali K. Dighe, officer of this Court are not found in the record of said Testamentary Petition No.598 of 2018. The said Testamentary Petition was never placed before officer Sonali K. Dighe and she never passed aforesaid orders as per the record of said Testamentary Petition.

17. By earlier orders all the parties were directed to file affidavits and all the parties i.e. Respondent No.3-Satish Pralhad Sakla, Respondent No.7-Manisha More and Respondent No.8-Sagar Pawar have filed affidavits/reply/rejoinder/additional affidavit, it is significant to note that the transcript of mobile conversation between Respondent No.7- Manisha More and Respondent No.8-Sagar Pawar is produced along with affidavit dated 25th April 2023 of Ms. Manisha More. The said conversation indicates that order on which the Respondent Nos. 1 to 5 have relied is not the order passed by this Court. In fact, to the said affidavit, transcript of the conversation between Respondent No.8-Sagar Pawar as well

Sonali

as Respondent No.3-Satish Pralhad Sakla is also annexed. The same shows that order purported to have been passed by Justice Nalawade is not the order passed by this Court.

18. Mr. Godbole, learned Senior Counsel who is appointed as Amicus Curiae submitted that purported order passed by this Court of Justice Nalawade as well as purported orders passed by Ms. Sonali K. Dighe, officer of this Court are forged and fabricated orders and the same is admitted almost by all the parties and therefore, criminal action is required to be taken. He also submitted that as the same affects administration of justice, *suo moto* issuance of notice contemplated under Section 15 of the Contempt of Courts Act, 1971 is also required to be directed. He pointed out Section 340 of Code of Criminal Procedure, 1973 and submitted that as far as some offences are concerned, bar under Section 195 (1) (b) will not be attracted therefore, FIR can be directed to be lodged. He also submitted that as far as certain offences are concerned, in view of the provisions of Section 195 1(b), (ii) and (iii) of the Cr.P.C., it would be necessary to proceed under Section 340 of the said Code.

Sonali

19. In view of serious nature of the complaint, by order dated 17th April 2023, this Court has requested learned Advocate General to assist this Court. Learned Advocate General submitted that action for contempt can be initiated. He submitted that Registrar General, High Court Bombay be directed to file FIR as well as action be taken in accordance with Section 195 read with Section 340 of the Cr. P.C. He also submitted that if role of Advocate is noticed, then Bar Council of Maharashtra and Goa can be directed to initiate appropriate action.

20. Mr. Jadhav, learned counsel appearing for the Petitioners submitted that not only the Respondent Nos. 1 to 5 have produced the said fraudulent order before the Small Causes Court, Mumbai (Bandra Branch) but also on the basis of said order, changed the Property Card. He also pointed out the fraudulent challans.

21. Mr. Salunke, learned counsel appearing for Respondent No.8 submitted that the Cell Phone conversations between the Respondent No.8 and the Respondent No.7 and the Respondent No.8 and the Respondent No.3 are with respect to some other

Sonali

order and not with respect to the order purported to have been passed by Justice Nalawade in said Testamentary Petition. However, he admitted that the said order purported to have been passed by Justice Nalawade as well as orders passed by officer, Sonali K. Dighe are not the genuine orders. He pointed out the challans and tried to point out some contradictions in the affidavit of Respondent No.7-Manisha More and Respondent No.3-Satish Pralhad Sakla. However, he submitted that in view of the facts and circumstances of this case, investigation is required.

22. Mr. Ashok Kumar Dubey, learned counsel appearing for Respondent No.3 submitted that although Respondent No.3 was earlier of the opinion that the purported order dated 9th April 2019 of Nalawade, J. is genuine, however, after perusal of the affidavits now Respondent No.3 is also of the opinion that order is forged and fabricated.

23. The factual position on record as reflected from the original record of Testamentary Petition and as per the record of these Writ Petitions clearly show that said purported order dated 9th April 2019 is forged and fabricated order. Even orders

Sonali

of officer Ms. Sonali K. Dighe of this Court are also forged and fabricated.

24. It has also come on record that the above referred E-Challans are also forged and fabricated. It is admitted position that the Court fee of Rs.16,55,000/- is not required to be paid in Testamentary Jurisdiction. Advocate Vishwanbhar Mahadev Parkar in affidavit dated 24th April 2023 has placed on record the said aspect.

25. Mr. Girish Godbole, learned Senior Counsel appointed as Amicus Curiae relied on the decision of the Supreme Court reported in the matter of **Iqbal Singh Marwah & Anr. vs. Meenakshi Marwah & Anr.**¹ He relied on paragraphs 10, 33 and 34 of the said decision. The said paragraphs read as under:-

“10. The scheme of the statutory provision may now be examined. Broadly, Section 195 CrPC deals with three distinct categories of offences which have been described in clauses (a), (b)(i) and (b)(ii) and they relate to (1) contempt of lawful authority of public servants, (2) **offences against public justice**, and (3) **offences relating to documents given in evidence**. Clause (a) deals with offences punishable under Sections 172 to 188 IPC which occur in

1 (2005) 4 SCC 370

Chapter X of the IPC and the heading of the Chapter is –“Of Contempts of the Lawful Authority of Public Servants”. These are offences which directly affect the functioning of or discharge of lawful duties of a public servant. **Clause (b)(i) refers to offences in Chapter XI of IPC which is headed as–“Of False Evidence And Offences Against Public Justice”.** The offences mentioned in this clause clearly relate to giving or fabricating false evidence or making a false declaration in any judicial proceeding or before a Court of justice or before a public servant who is bound or authorized by law to receive such declaration, and also to some other offences which have a direct co-relation with the proceedings in a Court of justice (Sections 205 and 211 IPC). This being the scheme of two provisions or clauses of Section 195, viz., that **the offence should be such which has direct bearing or affects the functioning or discharge of lawful duties of a public servant or has a direct correlation with the proceedings in a court of justice, the expression "when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in a court" occurring in clause (b)(ii) should normally mean commission of such an offence after the document has actually been produced or given in evidence in the Court.** The

situation or contingency where an offence as enumerated in this clause has already been committed earlier and later on the document is produced or is given in evidence in Court, does not appear to be in tune with clauses (a)(i) and (b)(i) and consequently with the scheme of Section 195 Cr.P.C. This indicates that clause (b)(ii) contemplates a situation where the offences enumerated therein are committed with respect to a document subsequent to its production or giving in evidence in a proceeding in any court.”

“33. In view of the discussion made above, we are of the opinion that *Sachida Nand Singh* has been correctly decided and the view taken therein is the correct view. Section 195(1)(b)(ii) CrPC would be attracted only when the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any Court i.e. during the time when the document was in *custodia legis*.”

“34. In the present case, the Will has been produced in the court subsequently. It is nobody's case that any offence as enumerated in Section 195(b)(ii) was committed in respect to the said will after it had been produced or filed in the Court of District Judge.

Therefore, the bar created by Section 195(1)(b)(ii) CrPC would not come into play and there is no embargo on the power of the Court to take cognizance of the offence on the basis of the complaint filed by the respondents. The view taken by the learned Additional Sessions Judge and the High Court is perfectly correct and calls for no interference.”

26. He submitted that as far as certain offences are concerned, FIR can be filed and as far as certain other offences are concerned, action under Section 195 read with Section 340 of Cr. P.C. is required to be initiated.

27. The Supreme Court in the decision of **New Era Fabrics Limited vs. Bhanumati Keshrichand Jhaveri**² discussed the scope of Section 340 read with Section 195 (1) (b) of Cr. P.C. It has been observed that the scope of inquiry as contemplated under Section 340 read with Section 195 (1) (b) of Cr. P.C. is very limited. The scope of said inquiry is just to assess whether prima facie case is made out and that there is a reasonable likelihood that the offence specified in Section 340 read with Section 195 (1) (b) of Cr.P.C. has been committed and it is

2 (2020) 4 SCC 41

Sonali

expedient in the interest of justice to take action.

28. The factual position on record as set out hereinabove clearly shows that purported order of this Court purported to have been passed by Justice R. D. Nalawade dated 9th April 2019 is fraudulent order. It is also very clear that the purported orders dated 7th February 2023 and 17th November 2022 purported to have been passed by Sonali K. Dighe, officer of this Court are also forged and fabricated. Apart from that, E-Challans which purports that huge amounts of Rs.16,55,000/- are deposited in the treasury of the State Government purported for the purpose of said Testamentary Petition are also fraudulent. Record of the Testamentary Petition shows that Court fee of only Rs.75,000/- has been deposited by E-Challan on 16th February 2018.

29. It is significant to note that none of the Respondents i.e. Respondent Nos.1 to 5 (original Plaintiffs) including Respondent No.3-Satish Pralhad Sakla, Respondent No.7-Manisha Pandurang More and Respondent No.8- Sagar Shamrao Patil have contended that the above orders and E-challans or at least some of these documents are genuine

Sonali

documents.

30. As held by the Supreme Court in **New Era Fabrics Limited** (supra) inquiry contemplated under Section 340 read with Section 195 of Cr. P.C. is just to assess whether prima facie case is made out and that there is reasonable likelihood that the offence specified in Section 195 (1) (b) of Cr.P.C. has been committed and it is expedient in the interest of justice to take action. This is a case where fraudulent order purported to have been passed by this Court is prepared and it has been represented to all the concerned that the same is the order passed by this Court.

31. The learned Advocate General and learned Amicus Curiae both are right in contending that this also amounts to interference in the administration of justice and therefore, action for committing contempt of this Court is also required to be initiated. The said aspect will be considered on further dates.

32. For the above reasons, learned Prothonotary and Senior Master, Original Side, High Court Bombay or any officer of this Court of the rank of Additional Registrar/Additional Prothonotary and Senior Master authorized by the

Sonali

Prothonotary and Senior Master, High Court (Original Side), Bombay to file complaint with the jurisdictional Magistrate as I am prima facie satisfied that offence of forgery, fabricating false evidence and making false statement in a declaration which is receivable as evidence, offences under the Information Technology Act etc. are made out against Respondent No.3-Satish Pralhad Sakla, Respondent No.7-Manisha Pandurang More and Respondent No.8-Sagar Shamrao Pawar and some unknown persons.

33. Respondent No.3-Satish Pralhad Sakla, Respondent No.7-Manisha Pandurang More and Respondent No.8-Sagar Shamrao Pawar to furnish surety/cash security before the learned Registrar (Judicial-I), Appellate Side, High Court, Bombay to the tune of Rs.15,000/- each for the appearance before such Magistrate as contemplated under Section 340 (1) (d) of the Code of Criminal Procedure, 1973 as and when summoned.

34. The Respondent No.6-State of Maharashtra and Prothonotary and Senior Master, (Original Side), High Court Bombay to submit report on or before 12th June 2023 to this

Sonali

Court.

35. It is clarified that as far as the direction regarding *suo moto* issuance of contempt as well as other actions will be considered on the next date.

36. It is clarified that undertaking given by Respondent No.3-Satish Pralhad Sakla, Respondent No.7-Manisha Pandurang More and Respondent No.8-Sagar Shamrao Pawar that they will appear before this Court on each and every date shall continue till further orders.

37. Stand over to **12th June 2023 (First on Board)**.

[MADHAV J. JAMDAR, J.]