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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3264 OF 2024**

Prem Mehra & Ors. ...Petitioners
Vs.
Deputy Commissioner of Customs
(Preventive) Jodhpur Headquarters & Ors. ...Respondents

Dr. Sujay Kantawala a/w Mr. Dharan V. Gandhi, Mr. Ankit Dhindale and
Mr. Jeffry Caleb for Petitioners.
Mr. Jitendra B. Mishra a/w Ms. Sangeeta Yadav for Respondents.

**CORAM : K. R. SHRIRAM &
JITENDRA JAIN, JJ.**

DATED : 10th SEPTEMBER 2024

P.C.:

1. Mr. Mishra tenders an affidavit of one Surgive Meena dated 27th August 2024. At the outset, we are satisfied that the said Surgive Meena may not have even read the affidavit before he signed because the opening statement in the affidavit says working as Principal Commissioner in Commissionerate of Customs (Preventive), Jodhpur Headquarters, Jaipur whereas at the end it says solemnly declared at Mumbai this day 27th August 2024. Nobody has even identified this officer before the notary public because the notary public has not made any endorsement that it was signed before him. The notary public also has not made any endorsement how he accepted the affiant to be Surgive Meena. There is no entry of the notarial register in the affidavit

to confirm that the said signatory appeared before the notary public and signed.

2. Moreover, we are also satisfied that he has not answered the points that we have directed to be answered in paragraph 3 of our order dated 20th August 2024. Therefore, we reject this affidavit. Purely by way of indulgence, in view of the requests made by Mr. Mishra we are not issuing contempt notice to the said Surgive Meena. Purely by way of indulgence we give one more opportunity to the said Surgive Meena to file an affidavit and he shall appear before the Court Associate of this Court personally and affirm the affidavit which shall be done within one week from today. If it is not done, we shall impose costs on the said Surgive Meena to be recovered from his salary for today's adjournment and for non-compliance of this order.

3. This affidavit shall be affirmed and copy served by 20th September 2024.

4. Stand over to 24th October 2024.

5. However, we permit Petitioner to use this affidavit to show any contradiction in subsequent affidavit to be filed.

[JITENDRA JAIN, J.]

[K. R. SHRIRAM, J.]