

IN THE COURT OF SMALL CAUSES AT MUMBAI

**ORDER BELOW EXHIBIT-173
IN
R.A.D. SUIT NO.231 OF 2002**

Messrs Arun Bros .. Plaintiffs

V/S.

Messrs S. K. Kabbur Private Limited and Ors. .. Defendants

Mr. Suraj Shah, Advocate for the plaintiffs

Mr. D. C. Mehta, Advocate for the defendants.

**Coram:- M. S. Agrawal, Judge
Court Room No. 8
Dt.08.12.2022**

ORDER

1. The application is filed by the plaintiffs to appoint new Court Commissioner in view of order below Exh.146 dated 19.11.2019 as previous Court Commissioner expired. It is necessary to examine witness Mr. Shyam Jungarlal Sharma at his house as he is 93 years old.

2. The application is objected by the defendants.

3. Heard argument. The witness is 93 years old and he is bed ridden. Previous Court Commissioner Mr. Surendra Oza has submitted his report in the Court. At the time of verification of the evidence, defendants took objection to exhibit photographs and negatives. Later on Advocate Surendra Oza expired and therefore, it is necessary to appoint Court Commissioner. The application is liable to be allowed. I proceed to pass the following order.

ORDER

1. The application vide Exh.173 is hereby allowed.
2. Both parties have to suggest the name of Court Commissioner by filing joint pursis.
3. The Court Commissioner has to record the evidence and objections in the evidence.
4. The Court Commissioner has to record cross-examination of the witness and then to submit the report in the Court.

Date : 08.12.2022

**(M. S. Agrawal)
Judge, C. R. No. 8**