

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY
SUIT NO.8206 OF 1984

Aderbad CHS Ltd & OrsPlaintiffs

V/s.

Dinshaw Mehta & Ors Defendants

Coram: His Honour Judge
Shri S.R.Jagtap

CR No.: 5.

Adv.Ms.Bhatia for the plaintiffs.

Adv.Ms.Veena for defendant nos.1 to 7

Adv.Ms. Punit Shah for the defendant nos. 8 to 10

ORDER ON APPLICATION MOVED BY THE PLAINTIFF FOR
RECALLING OF WITNESS OF DEFENDANT NOS. 1 TO 7

(Dated March 1st,2014)

1. The plaintiff has moved this application for recalling of witness of defendant nos.1 to 7 to have further cross examination by the plaintiff on the grounds set out in the application.

2. I have heard learned advocates appearing for the respective parties.

3. A perusal of record of the case would show that by the order dated 03.07.2012 the Hon'ble High Court has directed to plaintiff to take necessary application for recalling of witness of defendant nos.1 to 7. The order betrays that evidence of defendant nos.1 to 7 by that time was

completed. In spite of this plaintiff did not move application for recalling of witness of defendant nos.1 to 7 for the reasons best known to the plaintiff. No plausible explanation has been offered by the plaintiff for not moving application at an earlier point of time. On the contrary, it is seen that the plaintiff has remained as silent spectator till date. A perusal of application would show that the plaintiff wants to recall the witness of defendant nos.1 to 7 only to ascertain veracity of the letters in question. To my mind for that purpose the witness of defendant nos.1 to 7 need not to be recalled. The plaintiff can take recourse of provisions of Code of Civil Procedure to ascertain the veracity of the said letters. Therefore, I do not find substance in the application. The application is devoid of merits. Hence, I proceed to pass following order.

ORDER

Application filed by the plaintiff for recalling of witness of defendant nos.1 to 7 is rejected.

(**S.R.Jagtap**)

Judge,

City Civil Court,

Gr. Mumbai,

Dt.01.03.2014

Date of Dictation : 01.03.2014

Date of Transcription : 03.03.2014

Date of signature :

Date of delivery to C.C.S. :