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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 64 OF 2018
IN
S.C.SUIT NO.8043 OF 1994**

Hill Properties Limited

...Appellant
(Org Defendant No.1)

Versus

Metaoxide Private Limited & Ors

...Respondents
(Org Plaintiff)

**WITH
FIRST APPEAL NO. 1659 OF 2016
IN**

S.C.SUIT NO.8043 OF 1994

Standard Chartered Bank

Appellant
(Org Defendant No.4)

Versus

Metaoxide Private Limited & Ors

...Respondents
(Org Plaintiff)

**Mr Ashish Kamat, with Megha Chandra & Yasmin Godrej i/b
Crawford Bayley & Co for the Appellant.**

Mr Amol Doijode, for the Respondent No.2 in FA No. 64 of 2018.

**Dr Yusuf Iqbal Yusuf , with Shaista Pathan & Pooja Shah i/b Y & A
Legal for Respondent No.1 in FA No. 64 of 2018.**

**Mr Tushad Cooper, Senior Advocate, with Shaista Pathan & Pooja
Shah i/b Y & A Legal for Respondent No.1 in FA No. 1659 of
2016.**

Mr Rishab Jain, i/b MDP Partners for Respondent No.4 in FA No. 64 of 2018 & for Appellant in FA No. 1659 of 2018.

**CORAM G.S. Patel &
Gauri Godse, JJ.
DATED: 5th August 2022**

PC:-

1. The two appeals will have to be taken up at the earliest for final disposal. They are of 2016. The appeals are against an order and judgment of 18th August 2016 of the Bombay City Civil Court. This was in a transferred High Court Suit originally filed on the Original Side of this Court as Suit No. 352 of 1994.
2. We do not know whether after the Suit was disposed of the records were, for the purposes of this First Appeal or otherwise, sent back from the City Civil Court to this Court. Parties will check with the Registry. Some of the Advocates do not have complete records. We give them liberty to inspect the records in this court and in the City Civil Court to complete their records. They will be entitled to take copies on payment of the regular fees. We do not insist on certified copies. The Registry in this Court and in the City Civil Court will process any such application on priority and will act on production of an authenticated copy of this order.
3. A common private paper book will be required. To assist all concerned, this should be prepared with running pagination across all volumes and with a detailed index. There should first be a set of

the pleadings, followed by the issues. The next volume should have the evidence of each witness (i.e. Affidavit in Lieu of examination in chief) followed by that witness's cross-examination and re-examination, if any. Finally, the documents marked in evidence are to be included showing the assigned exhibit numbers on each document. Documents that have been marked for identification but not included must be separately compiled. There is to be an additional compilation of orders or the roznama. Records of any Interim Applications that are proposed to be used are to be separately compiled.

4. This should be completed by 26th September 2022 in hard copy. The Registry will then scan and digitize the entire private paper book and make available soft copies to all Advocates. We list the First Appeal for final disposal on two afternoon sessions on 12th and 13th October 2022 at 2.30 pm. We permit all parties to file concise written submissions and to tender in advance these written submissions and compilations of authorities. These should be tendered in both hard and soft copy.

5. The vakalatnama of 2nd Respondent is to be filed in the course of the week.

(Gauri Godse, J)

(G. S. Patel, J)