

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT NO.1304 OF 1986
WITH
SHOW CAUSE NOTICE NO.622 OF 1995
JUDGES ORDER NO.432 OF 2009
NOTICE OF MOTION NO.736 OF 2017**

Tirupati Mahalaxmi Co-op.HSG Society Ltd.Plaintiffs

V/s.

M/s.Gowani Builders Pvt. Ltd. & Ors.Defendants

Mr.Akash Rebellow a/w Ms.Kruttika Pokale and Ms.Pooja Pujara i/by
M.T.Miskita & Co. for plaintiffs.

Mr.D.V.Deokar a/w Mr.Subodh Joshi i/by Parimal K.Shroff for
defendant no.1.

Mr.M.A.Kamdar i/by M/s.Kanga & Co. for defendant no.2.

Mr.Sahil Siyed i/by M/s.Wadia Ghandy & Co. for defendant no.27.

**CORAM : K.R.SHRIRAM,J
DATE : 9.6.2017**

P.C.:-

1 Counsel state that the plaintiffs' evidence is concluded and the evidence of the first witness of defendant no.1 is in progress. The Commissioner to endeavor to complete recording of evidence of DW-1 by 31st July, 2017. The Commissioner to fix minimum two/three dates per session for cross examination of DW-1. If the parties do not respond promptly within 48 hours of receiving a communication from the Commissioner suggesting the subsequent dates, the Commissioner to go ahead and fix the dates convenient to the

Commissioner and the parties shall make themselves available at the time and dates fixed by the Commissioner. If the defendants or the witness does not remain present, the Commissioner should close the evidence of DW-1 and if the plaintiffs do not remain present to cross examine the witness, the plaintiffs' cross examination should be treated closed as no cross. Once the dates are fixed, the Commissioner not to grant adjournment on any ground whatsoever unless the situation is so grave that it warrants an adjournment and for reasons recorded.

2 Liberty to apply.

3 So far as Notice of Motion No.736 of 2017 is concerned, reply to be filed within two weeks. Rejoinder, if any, to be filed within 2 weeks thereafter. Notice of Motion be listed for hearing on 20.7.2017.

(K.R.SHRIRAM,J)