

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

SUIT NO. 3102 OF 1986

Kabir Real Estate Pvt. Ltd. ...Plaintiff

Versus

M/s. Kabir Woollen Mills & ors. ...Defendants

Mr. Hemant Mehta, i/b Mehta & Co., for the Plaintiff.

Ms. Sonali Aggarwal, i/b M/s. Dhruve Liladhar & Co., for
Defendant No.6A,

Mr. Vishal Mehta, a/w Mr. Chritopher D'Souza, i/b MV Law
Partners, for Defendant No.6B.

CORAM: N. J. JAMADAR, J.

DATED : 9th JANUARY, 2023

PC:-

1. Heard the learned Counsel for the plaintiff and the learned Counsel for defendant nos.6A and 6B.
2. The learned Counsel for the plaintiff submits that despite order dated 11th March, 2021 directing the defendants to cross-examine the plaintiff's witness, the defendants have not come forward to cross-examine the plaintiff's witness.
3. In terms of the said order, the plaintiff gave notice to the defendants alongwith a copy of the said order.
4. An affidavit of service dated 7th April, 2021 is filed.

5. In the said order, the Court had recorded that if the defendants do not come forward for the cross-examination, the evidence of the plaintiff's witness is liable to be closed. In the circumstances, the right of the defendants to cross-examine PW-1 stands foreclosed.

6. The learned Counsel for the plaintiff submits that the plaintiff does not wish to examine any other witness or lead further evidence.

7. The evidence of the plaintiff stands closed.

8. Post the suit for leading evidence on behalf of the defendants alongwith Suit No.2807 of 1990 on 13th February, 2023.

9. The learned Counsel for defendant no.6B submits that defendant no.6B does not wish to lead evidence.

[N. J. JAMADAR, J.]