

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

SUIT NO. 3102 OF 1986

Kabir Real Estate Pvt. Ltd. .. Plaintiff
Vs.
M/S. Kabir Woollen Mills and Ors .. Defendants

WITH
SUIT NO. 2807 OF 1990

Sunil Jugalkishore Gupta
(As the legal Heirs and Representatives of Mrs.
Santosh Jugalkishore Gupta) .. Plaintiff
Vs.
M/S. Kabir Woollen Mills and Ors. .. Defendants

Mr. S. Nagvadaria a/with Ms. Anamika Tiwari I/by Mehta & Co.
for Plaintiff in Suit No. 3102/1986 and for Defendant No. 7 in Suit
No. 2807/1990.

Mr Bhavik Manek a/with Mr. Vishal Jathar I/by MDP & Partners
for Defendant No. 6A in S/3102/1986 and for plaintiff in
S/2807/1990;

Mr. Akshay Patil a/with Mr. Medhavin Bhatt I/by MV Law
Partners for Defendant No.6B in S/3102/1986 and for Defendant
No.8 in S/2807/1990;

Mr. Nitesh Menon I/by Thakore Jariwalla and Associates for
Defendant No.7.

CORAM: K.R. SHRIRAM, J.
DATE : 24th August, 2018

P.C:-

Suit No. 3102 of 1986.

1) Mr Nagvadaria appearing for the plaintiff states that

Commissioner who was appointed by an Order dated 18th July, 2017 read with Order dated 2nd May, 2018 has expressed her inability to continue to act as the Commissioner in this matter. Therefore, by consent Mr Mayank Bagla, Advocate, practicing in this Court is appointed as Commissioner to record evidence in the matter. The fees and administrative expenses of the Commissioner, typing charges, venue expenses, if any, to be shared equally between the plaintiff, defendant No.1 and defendant No.6A, 6B and defendant No.7 and the same will be costs in the suit.

2) The Commissioner to complete recording of evidence of PW-1 by 15th October, 2018.

The Commissioner to fix minimum two/three dates per session for cross-examining PW-1. If the Advocates do not respond to the Commissioner's communication within 48 hours of receiving the communication suggesting the dates, the Commissioner to go ahead and fix the dates and the Advocates and the witness shall make themselves available on those dates. If the witness or the Advocates for the plaintiff do not turn up, then the evidence of the witness should be closed and if the Advocates for the defendants do not turn up, then the cross-

examination of PW-1 should be closed as 'no cross'. Once the dates are fixed, the Commissioner not to grant adjournment to any party on any ground whatsoever unless the situation is so grave that it warrants an adjournment and it should be for reasons recorded.

Liberty to apply.

3) As regards Suit No. 2807 of 1990, at the request of defendant No. 8 stand over to 6th September, 2018 for marking of documents/receiving evidence on which date, plaintiff's first witness shall remain present in the Court.

(K.R. SHRIRAM, J.)