

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2256 OF 1998

Harinarayan G. Bajaj and Anr. ... Plaintiffs

Versus

Vijay Agarwal and Ors. ... Defendants

Ms. Kainaz Irani i/b. Vivek Sharma for the Plaintiffs.

Mr. G.B. Kedia for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 4TH OCTOBER, 2016

P.C. :

The above Suit is pending in this Court since the last 18 years. Perused the orders dated 2nd August, 2016 and 19th September, 2016. I am informed that the learned Commissioner is busy from 7th October, 2016 to 17th October, 2016 and therefore it is not possible for him to comply with the request made in the said orders to record the cross-examination of PW-1 at least thrice a week. In view thereof, the following order is passed :

- i. Ms. Mili V. Thakkar, Advocate and Solicitor, is appointed as Commissioner to record the further cross-examination of PW-1.
- ii. The learned Commissioner shall record the cross-examination of PW-1 for at least two hours per day for a minimum of three days per week.
- iii. The learned Commissioner shall submit her report to this Court on 25th October, 2016 at 03.00 p.m.

- iv. The learned Commissioner shall not grant any adjournment on the ground that the Counsel appearing for the parties or the Witness in the matter is / are not available, unless absolutely necessary and only after recording reasons for the same.
- v. If the learned Commissioner is of the view that the Advocates and / or the parties are not extending full cooperation to her in complying with this order, she may move the Court seeking appropriate directions.
- vi. Costs shall be borne by the parties equally.
- vii. Stand over to 25th October, 2016 at 03.00 p.m.

(S.J.KATHAWALLA, J.)