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

Harinarayan G Bajaj & Anr ...Plaintiffs  
*Versus*  
Vijay Agarwal & Ors ...Defendants

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**Ms Sonal**, *with Kainaz Irani, i/b Vivek Sharma, for the Plaintiffs.*  
**Mr Girish B Kedia**, *for the Defendants.*

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**CORAM: G.S. PATEL, J**  
**DATED: 22nd June 2018**

**PC:-**

1. Ms Sonal tenders an Affidavit of Evidence dated 20th June 2018 of Mr Akhil Dalal, Defendant No. 12. She makes it clear that Defendant No. 12 is joined as a formal Defendant and no reliefs are sought against him.

2. In this Affidavit, Mr Dalal deposes to certain documents that were apparently issued from his stock broking office. These are part of a larger set of documents. Some of those documents emanating from Mr Dalal's office bore his or his authorized representative's signature and were, therefore, admitted into evidence. There is a sub-set of these documents that are unsigned, though apparently also from Mr Dalal's office; hence the present Affidavit seeks to prove those unsigned documents. These are documents in the form

of contract notes, invoices and bills in regard to certain purchase and sale transactions of shares of SESA Goa Limited. In the present Affidavit, Mr Dalal has said that some of these documents inadvertently remained to be signed. He has given an explanation. He, however, reaffirms the correctness of these documents and that these documents emanated from his office relating to the transactions mentioned in those documents.

3. The documents marked for identification are “X2” (collectively), “X7”, “X8”, “X9”, “X10” and “X11”. These documents are, therefore, received in evidence and marked **Exhibit “P31” (collectively)** to **Exhibit “P36”**, respectively.

4. Ms Sonal also submits that the documents marked “Y6” at pages 24 and 27 should be marked in evidence in view of this Affidavit. I am not inclined to accept this submission at this stage. I will however permit the Plaintiff to take further examination-in-chief to prove these documents through Mr Dalal before cross-examination begins.

5. List the matter on the supplementary board on 13th July 2018 at 12.00 noon. Mr Dalal will need to be present in Court for his further examination-in-chief. I will pass further directions for recording cross-examination on commission on that date.

**(G. S. PATEL, J)**