

JSN

**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 ...Defendant

Ms Sonal, i/v Vivek M Sharma for the Plaintiff.
Mr Rajiv Kumar, Senior Advocate, i/b Mr GB Kedia for
Defendants Nos. 1, 2, 4 and 5.

CORAM: G.S. PATEL, J
DATED: 27th February 2017

PC:-

1. The notes of evidence in this matter are in considerable disarray. For some time in 2014 and 2015, I recorded the evidence in up to question 232. It seems that when the matter was assigned to another Court, though the cross examination was still of the same witness by the same opposing party, and was in question and answer form, for some reason, the question numbering started from 1 again. It has continued sequentially since, including before the Commissioner later appointed. Today, I continued and picked up from where the Commissioner stopped.

2. The result is that the first 232 questions are not synchronized with the rest of the cross-examination. There is no running page numbering either. It is going to be next to impossible to refer to questions by the date on which they were asked. There are internal cross-references to previous questions (and sometimes to previous questions and non-sequential page numbers). At the final hearing and while delivering judgment, it will be impossible to correctly reference a record in this state.

3. It is now for the Advocates on both sides to sit together and (i) ensure continuous and uninterrupted numbering to all the questions; (2) running page numbers and (3) to correct the internal cross-references, wherever they occur. Without this, it will not be possible to take this matter to a final hearing.

(G. S. PATEL, J.)