

Atul

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

Ms Sonal, i/b Ravi Goenka, for the Plaintiffs.
Mr Girish B Kedia, for Defendants Nos. 1 to 3.

CORAM: G.S. PATEL, J
DATED: 31st August 2018

PC:-

1. Ms Sonal states that PW3, Mr Akhil Dalal is too unwell to give evidence. For this reason, two hearings scheduled before the Commissioner had to be cancelled, one of them virtually at the last minute. Mr Dalal is PW3 and was, on the application of the Plaintiffs, allowed to be tendered for cross-examination before PW2, precisely on account of his health. On that basis, too, documents sought to be proved through PW3 were marked in evidence. It simply cannot be that the cross-examination of PW3 is now deferred even though documents that he produced were marked in evidence and instead PW2 will tender his evidence. PW3 cannot be interjected and constantly moved around in the sequence of cross-examination.

2. There has to be orderliness to a trial. That apart, there are possibilities of the Defendants being prejudiced by this method by introducing documents, not completing cross-examination, reverting to an earlier witness and so on.
3. Ms Sonal requests time to take instructions.
4. List the matter for directions on 11th September 2018.

(G. S. PATEL, J)