

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

SUIT NO. 3407 OF 1995

Prithviraj H. Bajaj and Anr. ...Plaintiffs

V/s.

LIC and Ors. ...Defendants

Ms. Manik Joshi with Ms. Priyam Sharma i/b Crawford Bayley & Co.
for the Plaintiffs.

Ms. Snehlata Paranjape with Mr. Oduvil Mohandas, Mr. J. P. Kapadia i/b
Little & Co. for the Defendant No.1- LIC.

Ms. Sayali Apte i/b Mr. P. G. Lad for the Defendant No. 2-MHADA.

Ms. Kavita N. Solunke for the Defendant No.3-MMRDA

Ms. Pooja Yadav for the Defendant No.4-BMC.

Mr. Bharat Prakash Kadam, witness present.

CORAM : ABHAY AHUJA, J.
DATE : 5th FEBRUARY, 2026

P.C. :

1. Pursuant to the order dated 4th December, 2025, today when the
matter is called out, Ms. Paranjape, learned Counsel appears for the
Defendant No.1 and submits that the Defendant No.1's second witness
is present in the Court for marking of documents.

2. Defendant No.1's second witness is accordingly directed to step
into the witness box and is administered oath by the learned Court
Associate.

DW-2

Name : Bharat Prakash Kadam
Age : 52 years

NIKITA
YOGESH
GADGIL

Digitally signed
by NIKITA
YOGESH
GADGIL
Date: 2026.02.11
21:34:48 +0530

Nikita Gadgil

1/5

Occupation : Engg,Asst. Grade II
Address : LIC of India, Yogakshema, Enggl Dept,
1st Floor, West Wing, Western Zonal Office,
Jeevan Bima Marg, Nariman Point, Mumbai-
400 021.

Examination-in-chief of Mr.Bharat Prakash Kadam, (DW-2) on SA:

(Witness is shown affidavit of evidence in lieu of examination-in-chief dated 22nd September, 2025 under Order XVIII, Rule 4 of the Code of Civil Procedure, 1908 and the original of office copy of the letter dated 24th April, 1995, copy whereof has been annexed at Exhibit -A to the affidavit).

This is my affidavit. I have affirmed and verified this affidavit by signing at the foot of this affidavit. I identify my signature on this affidavit. The contents of this affidavit are true and correct to my knowledge and belief.

I am producing the original office copy of the letter dated 24th April 1995. I have deposed to the said document in my affidavit in lieu of examination-in-chief.

The witness has deposed to the truth and contents of the said affidavit and the letter dated 24th April, 1995.

There are no questions in oral examination-in-chief.

3. Plaintiffs have filed the statement of admission and denial in respect of the said document viz. the original of the office copy of the letter dated 24th April, 1995 and have denied the existence and contents of the same submitting that the letter dated 24th April, 1995 is

a third party document.

4. Witness has submitted that the said letter along with annexures is signed by Mr. Narsimhan, the Regional Manager (E&OS) of the Defendant No.1, whose signature he is familiar with and identifies.

5. Having heard the learned Counsel and having considered the submissions and the affidavit of the second witness of the Defendant No.1, the affidavit of evidence in lieu of examination-in-chief dated 22nd September, 2025 of the second witness of the Defendant No.1 viz. Mr. Bharat Kadam is marked as **Exhibit DW-2/1**.

6. The letter dated 24th April, 1995 is an original of the office copy from the Defendant No.1 to the Senior Inspector of Police, Cuffe Parade Police Station and the signature of the Regional Manager of the Defendant No.1 has been identified by the second witness. Accordingly, the said document is marked as **Exhibit DW-2/2**, subject to proof of contents.

7. Learned Counsel submit that the same Commissioner appointed for recording of cross-examination of the Plaintiffs' witness as well as the Defendant's first witness be continued.

8. Accordingly, Mr. Priyank Kapadia, Advocate of this Court is

appointed as Commissioner upon the very same terms under the following directions:-

(a) The Commissioner is at liberty to exercise discretion under Order XVII Rule 4(4) of the Code of Civil Procedure, 1908, to note the demeanour of the witnesses where necessary.

(b) All cross-examination shall be conducted strictly in question and answer form.

(c) The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video recorded for later reference of the Court. Should that be done, the original audio visual recording will be submitted along with the Commissioner's Report to the Registry.

(d) Liberty to the parties as also to the Commissioner to apply in case of difficulty.

(e) All re-examination will be conducted only in Court.

(f) Costs of the commission shall be borne equally by the parties.

(g) Parties shall also pay costs of Rs.500/- per hearing to the Court Clerk who attends the commission with Court Papers. This is required since these clerks attend the commission in addition to their regular duties and outside their normal working hours.

(h) The Commissioner is not to permit any applications for adjournment on dates previously fixed, except where absolutely unavoidable. Counsel's inconvenience or unavailability does not constitute such unavailability."

9. List on **26th March, 2026**. Learned Commissioner to place his report before this Court by the next date.

This Order is corrected/modified vide speaking to the minutes of the Order dated 11.02.2026

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(ABHAY AHUJA, J.)