

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

SUIT NO.155 OF 2007

M/s. Ultra Distributors Pvt. Ltd.Plaintiff
versus
M/s. Dhariwal Films Pvt. Ltd. And Ors.Defendants

**WITH
SUIT NO.547 OF 2007**

Super Cassettes Industries Ltd.Plaintiff
versus
M/s. Dhariwal Films Pvt. Ltd. And Ors.Defendants

Mr. Rashmin Khandekar i/by M/s. Naik Naik and Co., for Plaintiff in Suit No.155 of 2007.

Mr. A.M.Saraogi, for Defendant No.1 in Suit No.155 of 2007.

None for Defendant No.2 in Suit No.155 of 2007.

None for Plaintiff in Suit No.547 of 2007.

Mr. Ashok M. Saraogi, for Defendant No.1 in Suit No.547 of 2007.

Mr. Rashmin Khandekar i/by M/s. Naik Naik and Co., for Defendant Nos.3 and 5.

CORAM: S.J.KATHAWALLA, J.

DATE: 25th MARCH 2014

PC. :

1. On 05-03-2014, this Court passed the following order :

“The Plaintiff shall file evidence of PW.2 in Suit No.155 of 2007 within a period of two weeks from today. Stand over to 20-03-2014”.

Mr. S. Upadhyay i/by Mr.A.M.Saraogi, was present in Court for

Defendant No.1 when the said order was passed. However, he did not raise any objection.

2. Again on 20-03-2014, this Court passed the following order :

“The learned Advocate appearing for the Plaintiff in Suit No.155 of 2007 seeks time to file the Affidavit of Evidence of P.W.2. Stand over to 25-03-2014”.

When the said order was passed, the Defendant No.1 was again represented by Mr. Saroj Saraogi i/by Mr. A.M.Saraogi, who did not raise any objection. Today when the learned Advocate for the Plaintiff has tendered Affidavit of Evidence of P.W.2, Mr. A.M.Saraogi objects to the same on the ground that the Plaintiff should first explain as to why P.W.2 is required to be examined. In view of the aforestated facts, the objection raised by Mr. Saraogi, cannot be accepted at this stage. The Advocate for the Plaintiff states that the Plaintiff is not desirous of leading evidence of any other witness. The statement is accepted. The Commissioner shall record the cross-examination of P.W.2 and submit his Report to this Court on or before 15-04-2014. Place the Suit for 'Directions' on 15-04-2014.

(S.J.KATHAWALLA, J.)