

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

SUIT NO.1862 OF 2002

Shri Ram Salve, Prop. of Ganesh Container
Movers Syndicate ... Plaintiff
versus
M/s. Mitsui O.S.K.Lines Ltd. and Ors. ... Defendants

Mr. Uday G. Shelke i/by M/s. Shelke and Co., for Plaintiffs.
Mr. Zubin Behramkamdin i/by M/s. Mulla and Mulla, for Defendant Nos.1 and 2.

CORAM: S.J. KATHAWALLA, J.

DATE: 6th JUNE, 2016

P.C.:

1. The Index setting out the Compilation of Documents of Defendant Nos.1 and 2 is taken on record and marked 'A'.
2. The documents at Sr. Nos.1, 7, 8 and 9 are by consent marked Exhibits D-1 to D-4 respectively.
3. Having regard to the deposition of Mr. Ashutosh Purohit (D.W.1) in paragraph No.8 of his Examination-in-Chief, the document at Serial No.2 namely Facsimile dated 13th May 2002 by 1st Defendant to 3rd Defendant, is marked Exhibit D-5.
4. Having regard to the deposition of Mr. Ashutosh Purohit (D.W.1) in paragraph No.9 of his Examination-in-Chief, the document at Serial No.3 is marked Exhibit D-6.

5. Having regard to the deposition of Mr. Ashutosh Purohit (D.W.1) in paragraph No.10 of his Examination-in-Chief, the document at Serial No.4 is marked Exhibit D-7.
6. Having regard to the deposition of Mr. Ashutosh Purohit (D.W.1) in paragraph No.12 of his Examination-in-Chief, the document at Serial No.5 is marked Exhibit D-8.
7. The learned Commissioner to record cross-examination of D.W.1 and submit his Report to this Court on 30-06-2016. Stand over to 4th July, 2016 for Directions.

(S.J.KATHAWALLA, J.)