

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
SUIT NO. 888 OF 2008**

Nirad Amilal Mehta .. Plaintiff  
Vs.  
Genelec Limited & Ors. .. Defendants

Mr.Niranjan Parekh a/w. Mr.Akshay Naik i/b Mansukhlal Hiralal & Co. for plaintiff.

Mr.Devanshu P. Desai for defendant no.2.

Ms.Shreevardhini Parchure a/w. Mr.Omkar Bade i/b Desai & Diwanji for defendant nos.5 to 7.

Mr.Mahendhar A. for Company Prosecutor.

**CORAM : K.R.SHRIRAM, J.  
DATED : 27<sup>TH</sup> OCTOBER, 2015**

**P.C.**

1 At the outset, the counsel for defendant no.2 states that the written statement of defendant no.2 which was declared on 29.09.2010, due to oversight, remained in the office and was not filed in the registry. The counsel for the plaintiff and the other defendants states that they have already received a photocopy of this written statement. In view thereof, the written statement of defendant no.2 is taken on file.

2 The plaintiff's first witness, who is plaintiff-Nirad Amilal Mehta (PW-1) is present in Court and is administered oath. On oath, PW-1 confirms having affirmed an affidavit dated 15.10.2015 in lieu of

examination in chief and also identifies his signature. The same is taken on record and marked **Exh.P-1.**

3 Along with Exh.P-1, PW-1 has also filed a compilation of 19 documents. The serial numbers given below relate to the index filed along with the compilation of documents :

1 to 10 : As regards documents at serial nos.1 to 10, the counsel for defendant nos.1 to 7 do not admit the documents or the contents thereof. The defendant no.2 is the Director of the Company and admit the documents which are also in original. Therefore, objection overruled. Therefore, these documents are received in evidence and marked as **Exh.P-2 to Exh.P-11,** respectively.

12 to 19 : **Exh.P-12 to Exh.P-20,** respectively.

4 Mr.Sashidharan, an Advocate practicing in this Court is appointed as Commissioner to record evidence in the matter. The fees, administrative expenses of the Commissioner, venue expenses, if any, to be shared equally between the parties, i.e., 50% by the plaintiff and 50% by defendants, and the same will be costs in the suit.

5 The Commissioner to ensure that the evidence of PW-1 is completed by 31.12.2015. While fixing dates, the Commissioner to fix as far as

possible three consecutive dates and once the dates are fixed, no adjournment whatsoever should be granted to any party on any ground whatsoever unless the situation is so grave that the hearing cannot take place.

Liberty to apply.

**(K.R. SHRIRAM, J.)**