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

Suit No. 1186 of 2007

Bharat Shantilal Shah & Another

.. Plaintiffs

v/s.

The Royal Palms (India) Pvt. Ltd.
& Others

..Defendants

(Along with S/1194/2007, with S/1258/2007 with S/1259/2007 with S/1267/2007 with S/1268/2007 with S/1269/2007 with S/1637/2007 with S/1688/2007 with S/1699/2007 with S/1724/2007 with S/1725/2007 with S/1740/2007 with S/1741/2007 with S/1180/2008 with S/1182/2008 with S/1208/2008 with S/1737/2008)

Mr.Hiralal Thakkar, Sr. Counsel a/w. Mr.Vaibhav Krishna & Laxmi Mordekar i/b. M/s. Juris Consillis for the plaintiff

Mr. Neville Lashkari a/w.Ms. Dimple Shah a/w. Ms.Yugandhara Khanwilkar a/w. Mr.Shantanu Singh i/b. M/s.Mulla & Mulla & Craige Blunt & Caroe for the Defendants

CORAM : R.Y.GANOO, J.

DATED : 14th October , 2010

P.C. :

1. Plaintiff No.1 had filed evidence affidavit dated 19.4.2010. Today the matter was taken up for marking of documents. Counsel

appearing on behalf of the plaintiffs states that some of the documents have not been proved in terms of affidavit dated 19.4.2010. He wanted to file additional evidence affidavit to prove certain documents. The court has yet not commenced the job of marking of documents. According to me there cant be two evidence affidavits of one witness. Hence, in order to give proper opportunity to plaintiffs to prove all the documents on which they want to rely upon by filing proper evidence affidavit, in the interest of justice I am inclined to allow the plaintiff no.1 to file one consolidated affidavit in order to prove all the documents on which they want to rely upon through that particular witness. In view of this, liberty is granted to plaintiffs to tender new evidence affidavit to be referred to as consolidated evidence affidavit so that the exercise of marking of documents can be done on the basis of the said affidavit. Earlier affidavit dated 19.4.2010 shall not be acted upon in view of this order.

2. Adjourned to 25.10.2010 at 3.30 p.m. for recording of evidence. To be shown in the column of recording of evidence.

ii) Copy of this consolidated evidence affidavit should be furnished

to the Counsel for the defendants atleast four days in advance. Compilation of documents which was tendered in the court today morning for marking of documents is returned to the plaintiffs. Same to be tendered on the next date.

[R.Y.GANOO, J.]