

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

**SUIT NO. 1181 OF 2008**

**Rashesh B. Shah and Anr.**

**...Plaintiffs**

**V/s.**

**The Royal Palms (I) Pvt. Ltd. and Ors.**

**...Defendants**

**WITH  
SUIT NO. 1186 OF 2007  
WITH  
SUIT NO. 1194 OF 2007  
WITH  
SUIT NO. 1268 OF 2007  
WITH  
SUIT NO. 1258 OF 2007  
WITH  
SUIT NO. 1259 OF 2007  
WITH  
SUIT NO. 1267 OF 2007  
WITH  
SUIT NO. 1737 OF 2008  
WITH  
SUIT NO. 1269 OF 2007  
WITH  
SUIT NO. 1688 OF 2007  
WITH  
SUIT NO. 1637 OF 2007  
WITH  
SUIT NO. 1368 OF 2007  
WITH  
SUIT NO. 1740 OF 2007  
WITH  
SUIT NO. 1724 OF 2007  
WITH  
SUIT NO. 1180 OF 2008  
WITH  
SUIT NO. 1741 OF 2007  
WITH  
SUIT NO. 1208 OF 2008  
WITH**

**SUIT NO. 1182 OF 2008  
WITH  
SUIT NO. 1689 OF 2007  
WITH  
SUIT NO. 1725 OF 2007**

Mr. Tahir Prande i/b Juris Consillis for the Plaintiff.  
Mr. Sharad Bansal with Mr. Sahil Gandhi, Ms. Namrata Vashisht and  
Ms. Forum Mehta i/b Markand Gandhi & Co. for the Defendants No. 1,  
2 and 4.

**CORAM : ABHAY AHUJA, J.  
DATE : 17<sup>th</sup> FEBRUARY, 2026**

**PC. :**

1. Pursuant to the order dated 16<sup>th</sup> January, 2026, today when the matter is called out, Mr. Prande, learned Counsel appear for the Plaintiffs in all the Suits and Mr. Bansal, learned Counsel appear for the Defendants in all the Suits and submit that this Court may appoint the Commissioner for further recording of cross-examination of the Plaintiff Witness No.1.

2. This Court has suggested the name of Advocate Abhishek Karnik and the learned Counsel for the parties are agreeable to the same. This Court accordingly appoints Mr. Abhishek Karnik, learned Counsel of this Court, as Commissioner to record the cross-examination of the Plaintiff's witness No.1 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 unavoidability."

3. The contact details of Mr.Abhishek Karnik are as under :

Name : Abhishek Karnik, Advocate

Address : Chambers of Dr.Saraf, Senior Advocate, 302,  
Oval House, British Hotel Lane, Lane  
Opposite Commerce House, Nagindas Master  
Road, Fort, Mumbai – 400023.

Mobile No. : 9930352706

Email Id : adv.amkarnik@gmail.com

4. Parties and Counsel to co-operate with the learned Commissioner and to equally bear his costs, charges and expenses.

5. Let the learned Commissioner submit his report preferably by the next date.

6. List on **7<sup>th</sup> April 2026**.

**(ABHAY AHUJA, J.)**