



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

SUIT NO.4762 OF 1996

State Bank of India ... Plaintiff

V/s.

M/s. Surya Agroils Ltd. & Ors. ... Defendants

Mr. Aditya Pimple a/w Ms. Pooja Muni i/b M/s. Bilawala and Co. for the Plaintiff.
Ms. Shivani Shah I/b Jhangiani Narula and Associates for the Defendant No.1.
Mr. S. D. Yavale for Defendant No.4 and Mr. K. S. Prasad for the Defendant No.5
present in court.

CORAM : K. R. SHRIRAM, J.
DATE : 26th OCTOBER, 2018.

P.C.:

1. Mr. Pimple, the learned counsel for the plaintiff states that the plaintiff has complied with the directions given in last paragraph of the order dated 8/1/2016. He states that plaintiff's first witness has been, after filing the affidavit, transferred to another branch and, therefore seeks leave to introduce new witness to lead evidence. Leave is refused. The plaintiff shall make available the said witness as and when directed by the Court.

2. Ms. Shah, the learned counsel for the defendant No.1 states that they have not been receiving any instructions. She states that the defendant No.2 is the managing director of defendant No.1.

3. Defendant No.3 has not filed any written statement. Therefore, the suit against the defendant No.3 be listed under undefended suits. Defendant No.4



and 5 are present in the Court in person and state that within two weeks from today they shall file their affidavit of documents and compilation of documents and give inspection of documents to plaintiff's advocate. These directions were passed on 8/1/2016, therefore it is made clear that no further time will be granted to defendants to file their affidavit and compilation of documents and to give inspection thereof to plaintiff's advocate. If the affidavit and compilation of documents is not filed and inspection is not given, defendants will not be permitted to rely upon any document except those, copies whereof have been produced along with the written statement. This will, however, not preclude defendants right to confront plaintiff's witness with any document

4. Mr. Pimple, the learned counsel for plaintiff states that copy of evidence affidavit has been given to all defendants.

5. Stand over to 29/11/2018 for recording evidence/ marking of documents on which date plaintiff's witness shall remain present in the Court. If the witness is not present, plaintiff's evidence will be closed. Defendants also be put to notice that they might be called upon to cross examine the witness.

6. Learned advocate on record for defendant No.1 to forward copy of this order to Defendant No.2.

(K.R.SHRIRAM, J.)