

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

COMMERCIAL SUIT NO. 75 OF 2024

Usha w/o. Vimalagarwal

...Plaintiff

Versus

Royale Impex & Ors.

...Defendant

Mr. Anand Mishra *a/w Ms. Aahana Shrivastava, for the Plaintiff.*

Mr. S. G. Mahamuni *i/b Sapna Krishnappa, for the Defendant Nos. 1 & 3.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: MAY 6, 2026

ORDER :

1. Learned Advocate for the parties have consensus on the issues that need to be framed in the matter. In these circumstances, the parties have agreed that the following issues would relate to the claim :

1. *Does the Plaintiff prove that she has sold, supplied and delivered necessary material to the Defendants and therefore she is entitled to recover an amount of Rs. 21,12,91,309/-?*
2. *Whether the Defendants prove that the transaction between the present Plaintiff, Defendants and the case of the husband of the Plaintiff is interconnected?*

2. The Registry shall appoint a Court Commissioner to record evidence. Learned Advocate for the Plaintiff shall approach the Prothonotary and Senior Master within a period of four weeks from the upload of this Order to get the particulars of the Court Commissioner, who shall record evidence in compliance with the following stipulations:

A] The Commissioner shall note demeanour of the witnesses in accordance with Order XVIII Rule 4(4) of the Code of Civil Procedure, 1908.

B] All cross-examination shall be conducted and recorded strictly in question-and-answer format.

C] The costs of the commission shall be borne equally by the parties.

D] The Commissioner shall not permit adjournments on pre-fixed dates, except whereby absolutely unavoidable. Mere inconvenience or unavailability of counsel shall not be considered sufficient ground.

3. The Learned Commissioner may attempt to complete the recording of evidence within a period of eight weeks from the date on which the Commissioner first convenes.

4. The original documents, if required by the Plaintiff in any other legal proceedings, may be returned upon due application being made.

5. List under the caption “*For Directions*” on *July 13, 2026*.
6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[SOMASEKHAR SUNDARESAN, J.]